

State of Iowa

1982

JOURNAL OF THE SENATE

1982

REGULAR SESSION SIXTY-NINTH GENERAL ASSEMBLY

Convened January 11, 1982

Adjourned April 24, 1982

**TERRY E. BRANSTAD, President of the Senate
DELWYN STROMER, Speaker of the House**

Published by the
STATE OF IOWA
Des Moines

SIXTY-NINTH GENERAL ASSEMBLY

1982 Regular Session

OFFICERS OF THE SENATE

TERRY E. BRANSTAD, <i>President</i>	Lake Mills
DICK RAMSEY, <i>President Pro Tempore</i>	Osceola
CALVIN O. HULTMAN, <i>Majority Floor Leader</i>	Red Oak
EDGAR H. HOLDEN, <i>Assistant Majority Floor Leader</i>	Davenport
JOHN S. MURRAY, <i>Assistant Majority Floor Leader</i>	Ames
JOHN N. NYSTROM, <i>Assistant Majority Floor Leader</i>	Boone
LOWELL L. JUNKINS, <i>Minority Floor Leader</i>	Montrose
PATRICK J. DELUHERY, <i>Minority Floor Leader</i>	Davenport
C. W. BILL HUTCHINS, <i>Assistant Minority Floor Leader</i>	Guthrie Center
K. MARIE THAYER, <i>Secretary of the Senate</i>	Ankeny
CYNTHIA A. CLINGAN, <i>Assistant Secretary of the Senate</i>	Des Moines
JERRY MATHIASSEN, <i>Administrative Assistant to</i> <i>Lieutenant Governor</i>	Des Moines
GRACE COPLEY, <i>Confidential Secretary to</i> <i>Lieutenant Governor</i>	Des Moines
ANN VER HEUL, <i>Legal Counsel</i>	Des Moines
MARY ANN ABBOTT, <i>Finance Clerk</i>	Des Moines
CAROLE (C.J.) KELLY, <i>Journal Editor</i>	Altoona
MAXINE E. GUNTON, <i>Chief Indexer</i>	Des Moines
MARJORIE HELKENN, <i>Administrative Assistant to</i> <i>Majority Leader</i>	Des Moines
G. KAY BOLTON, <i>Administrative Assistant to</i> <i>Minority Leader</i>	West Des Moines
RAND M. FISHER, <i>Majority Caucus Staff Director</i>	Des Moines
PETER CONIGLIO, <i>Majority Caucus Research Analyst</i>	Ames

OFFICERS OF THE SENATE—1982 REGULAR SESSION—Continued iii

SUSAN JOHNSON, *Majority Caucus Research Analyst* West Des Moines
BARBARA LEISER, *Majority Caucus Research Analyst* West Des Moines
JULE THORSEN, *Majority Caucus Research Analyst* Des Moines
BILL MALONEY, *Minority Caucus Research Analyst* Des Moines
GREGORY S. NICHOLS, *Minority Caucus Research Analyst* Des Moines
REBECCA ROORDA, *Minority Caucus Research Analyst* West Des Moines
CATHERINE SCHUSTER, *Minority Caucus Research Analyst* Des Moines
TIMOTHY WADDELL, *Minority Caucus Research Analyst* Des Moines
TERRY PEPPER, *Assistant Finance Clerk* Des Moines
NANCY SMITH, *Assistant Journal Editor* Runnells
CARYLL WILBUR, *Assistant Indexer* Indianola
JOAN NORRIS, *Assistant to Legal Counsel* Des Moines
MARY BUBAN, *Journal Compositor* Des Moines
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ELIZABETH LIGOURI, *Recording Clerk* Des Moines
MARY LEE BARNETT, *Records and Supply Clerk* Des Moines
JUDY BERTELSEN, *Secretary to Majority Caucus Staff* Ankeny
SUSAN HUTCHISON, *Bill Clerk* Des Moines
LOU ANN SHEPHARD, *Assistant Bill Clerk* West Des Moines
ROY W. NELSON, *Sergeant-at-Arms* Des Moines
B.W. (Bud) RULON, *Assistant Sergeant-at-Arms* Des Moines
RAY J. PROSPERI, *Chief Doorkeeper* Des Moines
CATHERINE L. DeHECK, *Doorkeeper* Des Moines
JACK LEVINE, *Doorkeeper* Des Moines

iv OFFICERS OF THE SENATE—1982 REGULAR SESSION—Continued

DOMENIC MORROW, <i>Doorkeeper</i>	Des Moines
FRANK J. MURPHY, <i>Doorkeeper</i>	Des Moines
CHARLES B. MURRAY, <i>Doorkeeper</i>	Des Moines
GERALD NASON, <i>Doorkeeper</i>	Norwalk
BETTY LAWLER, <i>Switchboard Operator</i>	Des Moines
BETTY SCHWENGELS, <i>Switchboard Operator</i>	Fairfield
KERMIT HAUN, <i>Postmaster</i>	Des Moines
JAMES M. SULLIVAN, <i>Porter</i>	Des Moines

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

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ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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

JUSTICES OF THE IOWA SUPREME COURT

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

IOWA COURT OF APPEALS JUDGES

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

**MEMBERS OF THE SENATE
SIXTY-NINTH GENERAL ASSEMBLY
1982 REGULAR SESSION**

TED ANDERSON

Address Waterloo
Age 88
Occupation Factory Worker
Senatorial District 18—Black Hawk
Former Legislative Service 69 (1st), 69X, 69XX

GARY L. BAUGHER

Address Ankeny
Age 39
Occupation Mobile Home Park Owner—Sales
Senatorial District 31—Polk
Former Legislative Service 68 (2nd)*, 69 (1st), 69X, 69XX

STEPHEN W. BISENIUS

Address Cascade
Age 34
Occupation Realtor
Senatorial District 11—Dubuque, Delaware, Jackson, Jones
Former Legislative Service 67, 67X, 68, 69 (1st), 69X, 69XX

JAMES E. BRILES

Address Corning
Age 55
Occupation Auctioneer, Real Estate
Senatorial District 43—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, 69 (1st), 69X, 69XX

JOE BROWN

Address Montezuma
Age 30
Occupation State Senator
Senatorial District 35—Poweshiek, Jasper, Mahaska, Marion, Polk, Warren
Former Legislative Service 68, 69 (1st), 69X, 69XX

CLARENCE S. CARNEY

Address Sioux City
Age 56
Occupation Utility Executive
Senatorial District 25—Woodbury, Cherokee, Plymouth
Former Legislative Service 68, 69 (1st), 69X, 69XX

BOB CARR

Address Dubuque
Age 48
Occupation Securities Broker
Senatorial District 10—Dubuque
Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

* (2nd) Denotes 1980 Regular Session

MEMBERS OF THE SENATE—69TH GENERAL ASSEMBLY **vii**
1982 REGULAR SESSION—Continued

C. JOSEPH COLEMAN

Address Clare
 Age 58
 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, 69 (1st), 69X, 69XX

RICHARD COMITO

Address Waterloo
 Age 42
 Occupation Pharmacist
 Senatorial District 17—Black Hawk
 Former Legislative Service 68, 69 (1st), 69X, 69XX

ROLF V. CRAFT

Address Decorah
 Age 44
 Occupation Farmer, Teacher
 Senatorial District 8—Winneshiek, Bremer, Chickasaw, Fayette, Howard
 Former Legislative Service 67, 67X, 68, 69 (1st), 69X, 69XX

LUCAS J. DE KOSTER

Address Hull
 Age 63
 Occupation Lawyer, Insurance Agent
 Senatorial District 1—Sioux, Plymouth, Lyon
 Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

PATRICK J. DELUHERY

Address Davenport
 Age 39
 Occupation College Teacher
 Senatorial District 41—Scott
 Former Legislative Service 68, 69 (1st), 69X, 69XX

DONALD V. DOYLE

Address Sioux City
 Age 66
 Occupation Lawyer
 Senatorial District 26—Woodbury, Monona
 Former Legislative Service 57, 58, 61, 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

RICHARD F. DRAKE

Address Muscatine
 Age 64
 Occupation Farming
 Senatorial District 33—Muscatine, Scott, Johnson, Louisa
 Former Legislative Service 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

ELVIE DREESZEN

Address Cushing
 Age 61
 Occupation Farmer
 Senatorial District 24—Ida, Buena Vista, Calhoun, Carroll, Cherokee, Crawford, Greene, Pocahontas, Sac
 Former Legislative Service 69 (1st), 69X, 69XX

viii MEMBERS OF THE SENATE—69TH GENERAL ASSEMBLY
1982 REGULAR SESSION—Continued

JAMES V. GALLAGHER

Address Jesup
Age 48
Occupation Telephone Company
Senatorial District 16—Black Hawk, Benton, Buchanan, Linn, Tama
Former Legislative Service 61, 62, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

JULIA GENTLEMAN

Address Des Moines
Age 50
Occupation Housewife
Senatorial District 33—Polk
Former Legislative Service 66, 67, 67X, 68, 69 (1st), 69X, 69XX

NORMAN J. GOODWIN

Address DeWitt
Age 68
Occupation Legislator
Senatorial District 39—Clinton, Scott
Former Legislative Service 68, 69 (1st), 69X, 69XX

ARTHUR L. GRATIAS

Address Nora Springs
Age 61
Occupation Farmer, Educator
Senatorial District 7—Floyd, Cerro Gordo, Chickasaw, Howard, Mitchell
Former Legislative Service 68, 69 (1st), 69X, 69XX

JACK W. HESTER

Address Honey Creek
Age 52
Occupation Farmer
Senatorial District 27—Pottawattamie, Crawford, Harrison, Monona, Shelby
Former Legislative Service 68, 69 (1st), 69X, 69XX

EDGAR H. HOLDEN

Address Davenport
Age 67
Occupation Entrepreneur
Senatorial District 40—Scott
Former Legislative Service 62, 63, 64, 65, 67 (2nd)*, 68, 69 (1st), 69X, 69XX

MERLIN D. HULSE

Address Clarence
Age 68
Occupation Farmer
Senatorial District 12—Cedar, Clinton, Jackson, Johnson, Jones, Scott
Former Legislative Service 67, 67X, 68, 69 (1st), 69X, 69XX

CALVIN O. HULTMAN

Address Red Oak
Age 40
Occupation Businessman
Senatorial District 49—Montgomery, Fremont, Mills, Page, Pottawattamie
Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

*(2nd) Denotes 1978 Regular Session

MEMBERS OF THE SENATE—69TH GENERAL ASSEMBLY ix
1982 REGULAR SESSION—Continued

EMIL J. HUSAK

Address Toledo
 Age 51
 Occupation Farmer
 Senatorial District 36—Tama, Benton, Iowa, Johnson, Keokuk, Poweshiek
 Former Legislative Service 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

C.W. BILL HUTCHINS

Address Guthrie Center
 Age 50
 Occupation Self-employed/Small Businessman
 Senatorial District 28—Guthrie, Audubon, Carroll, Cass, Crawford, Greene, Shelby
 Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

JOHN W. JENSEN

Address Plainfield
 Age 55
 Occupation Farmer
 Senatorial District 19—Bremer, Black Hawk, Butler, Floyd, Franklin, Grundy, Marshall, Tama
 Former Legislative Service 68, 69 (1st), 69X, 69XX

LOWELL L. JUNKINS

Address Montrose
 Age 37
 Occupation Small Businessman/Farmer
 Senatorial District 43—Lee, Des Moines, Henry
 Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

GEORGE R. KINLEY

Address Des Moines
 Age 44
 Occupation Owner-Operator of Golf Sales
 Senatorial District 34—Polk, Warren
 Former Legislative Service 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

A.R. (BUD) KUDART

Address Cedar Rapids
 Age 51
 Occupation Lawyer
 Senatorial District 13—Linn, Johnson
 Former Legislative Service 68, 69 (1st), 69X, 69XX

MICK LURA

Address Marshalltown
 Age 33
 Occupation Accountant
 Senatorial District 20—Marshall, Grundy, Hardin, Jasper, Story
 Former Legislative Service 68, 69 (1st), 69X, 69XX

ALVIN V. MILLER

Address Ventura
 Age 60
 Occupation Business/Insurance
 Senatorial District 6—Cerro Gordo, Worth
 Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

x MEMBERS OF THE SENATE—69TH GENERAL ASSEMBLY
1982 REGULAR SESSION—Continued

CHARLES P. MILLER

Address Burlington
Age 68
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, 69 (1st), 69X, 69XX

JOHN S. MURRAY

Address Ames
Age 42
Occupation Attorney
Senatorial District 21—Story, Boone, Polk
Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

JOHN N. NYSTROM

Address Boone
Age 48
Occupation Auto Dealer
Senatorial District 22—Boone, Greene, Hamilton, Story, Webster
Former Legislative Service 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

WILLIAM D. PALMER

Address Des Moines
Age 46
Occupation Insurance
Senatorial District 32—Polk
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

BERLE E. PRIEBE

Address Algona
Age 63
Occupation Farmer, Businessman
Senatorial District 4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

DICK RAMSEY

Address Osceola
Age 41
Occupation Lawyer/Farmer
Senatorial District 47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne
Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

DAVID M. READINGER

Address Des Moines
Age 45
Occupation Sales
Senatorial District 30—Polk
Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

NORMAN RODGERS

Address Adel
Age 54
Occupation Farmer, Businessman
Senatorial District 29—Dallas, Adair, Clarke, Guthrie, Madison, Warren
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

MEMBERS OF THE SENATE—69TH GENERAL ASSEMBLY xi
1982 REGULAR SESSION—Continued

BOB RUSH

Address Cedar Rapids
 Age 87
 Occupation Lawyer
 Senatorial District 15—Linn
 Former Legislative Service 67, 67X, 68, 69 (1st), 69X, 69XX

FORREST V. SCHWENGELS

Address Fairfield
 Age 66
 Occupation Real Estate
 Senatorial District 44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington
 Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

TOM SLATER

Address Council Bluffs
 Age 86
 Occupation Businessman
 Senatorial District 50—Pottawattamie
 Former Legislative Service 67, 67X, 68, 69 (1st), 69X, 69XX

ARTHUR A. SMALL, JR.

Address Iowa City
 Age 48
 Occupation Businessman
 Senatorial District 37—Johnson
 Former Legislative Service 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

RAY TAYLOR

Address Steamboat Rock
 Age 58
 Occupation Farmer, Retailing
 Senatorial District 5—Hardin, Cerro Gordo, Franklin, Hancock, Wright
 Former Legislative Service 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

DALE L. TIEDEN

Address Elkader
 Age 59
 Occupation Farmer
 Senatorial District 9—Clayton, Allamakee, Delaware, Dubuque, Fayette, Winnebiek
 Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

RICHARD VANDE HOEF

Address Harris
 Age 56
 Occupation Farming
 Senatorial District 2—Oceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux
 Former Legislative Service 69 (1st), 69X, 69XX

BASS VAN GILST

Address Oskaloosa
 Age 70
 Occupation Farmer
 Senatorial District 46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren
 Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

**MEMBERS OF THE SENATE—69TH GENERAL ASSEMBLY
1982 REGULAR SESSION—Continued**

ARNE WALDSTEIN

Address Storm Lake
Age 56
Occupation Professional Farm Manager and Rural Appraiser
Senatorial District 3—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas
Former Legislative Service 68, 69 (1st), 69X, 69XX

JAMES D. WELLS

Address Cedar Rapids
Age 53
Occupation Cereal Company Employee
Senatorial District 14—Linn, Benton
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68, 69 (1st), 69X, 69XX

SUE YENGER

Address Ottumwa
Age 43
Occupation Homemaker, Teacher
Senatorial District 45—Wapello, Appanoose, Davis, Mahaska, Monroe
Former Legislative Service 68, 69 (1st), 69X, 69XX

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 11, 1982

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the 1982 regular session of the Sixty-ninth General Assembly convened at 10:00 a.m., and the Senate was called to order by Senator Carney.

Prayer was offered by the Honorable Richard Vande Hoef, member of the Senate from Osceola County, Harris, Iowa.

COMMUNICATIONS

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

DEPARTMENT OF SOCIAL SERVICES

On December 7, 1981, a copy of the Annual Report for 1980 for the Department of Social Services pursuant to Sec. 217.21, Code 1981.

Copies are available to members of the Senate upon request.

DEPARTMENT OF PUBLIC INSTRUCTION

On December 3, 1981, a copy of the "Iowa Plan for the Statewide Use of the Computer for Education" to serve as a guide and set directions for future development of computer services in the state. This plan is submitted pursuant to Sec. 257.10, Code 1981.

Copies are available to members of the Senate upon request.

DEPARTMENT OF TRANSPORTATION

On January 2, 1982, a copy of the Seventh Iowa Transportation Improvement Program for the years 1982 through 1987 submitted by the Department of Transportation.

Copies are available to members of the Senate upon request.

IOWA RAILWAY FINANCE AUTHORITY

On January 7, 1982, a copy of the 1981 Annual Report of the Iowa Railway Finance Authority for activities covered for the calendar year 1981, pursuant to Sec. 307B.8, Subsection 9, Code 1981.

Additional copies are available to members of the Senate upon request.

The following communications have been received and placed on file in the office of the Lieutenant Governor:

On September 3, 1981, the Annual Report of Filing Fees which represents the total amount of fees and costs collected for fiscal year ending June 30, 1981, pursuant to Section 12.9, Code 1981.

On September 25, 1981, the Uniform Crime Report comparison for the second quarter of 1981 prepared by the Department of Public Safety.

On October 5, 1981, the Annual Report of the Iowa Civil Rights Commission for fiscal year 1980.

On October 20, 1981, copies of the reports of on-site compliance reviews conducted as a follow-up to the special education evaluations 1979-80 fiscal year for the State Area Education Agencies.

On October 22, 1981, a copy of the Iowa County Jail Needs Assessment undertaken by the Crime Commission as directed by Chapter 122, 1981 Acts of the Sixty-ninth General Assembly.

On November 16, 1981, a Substance Abuse Delivery Plan pursuant to Chapter 5, Sec. 6, 1981 Acts of the Sixty-ninth General Assembly.

On November 19, 1981, a copy of the Annual Report of the Uniform State Laws Commission pursuant to Section 5.4, Code 1981.

On November 30, 1981, the Uniform Crime Report comparison for the third quarter of 1981 prepared by the Department of Public Safety.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 10:05 a.m., until 9:00 a.m., Tuesday, January 12, 1982.

JOURNAL OF THE SENATE

SECOND CALENDAR DAY SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 12, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

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

OPENING REMARKS BY THE LIEUTENANT GOVERNOR

Lieutenant Governor Branstad addressed the Senate as follows:

To all of you who are part of this body, senators, secretaries, interns, pages, doorkeepers, senate and caucus staff, welcome to the 1982 session of the Iowa Senate.

Linda Mackay has resigned as Secretary of the Senate to accept a position in the financial community. Marie Thayer has been selected as the new Secretary of the Senate and Kim Schmett has been chosen to be in the well as Parliamentarian, a session only position. This new approach will save the Iowa taxpayers several thousand dollars and again demonstrates this body's commitment to setting a good example for economy in government.

Kim Schmett is a bright young lawyer and I have confidence that he will help us maintain the reputation of fairness, objectivity, and equal treatment to all senators that has been established with the assistance of Frank Stork and Linda Mackay. We appreciate Linda's willingness to help Kim in the well during the first few days of the session.

Problems of the economy continue to be the dominant issue in this country and here in the state of Iowa. Unemployment and low farm prices combined with high interest rates and high utility costs present us with a major challenge. I am confident that we will meet that challenge.

Our single factor corporate income tax and right to work law have helped Iowa attract industry and provide jobs in our state. In recent years however, the property tax on industrial machinery and equipment has become a real handicap to providing new jobs that we need. We cannot wait any longer to reduce this burden. We need to provide more jobs in Iowa. We should eliminate or substantially reduce the property tax on new industrial machinery and equipment this session.

Also, we can help speed economic recovery by adopting the accelerated cost recovery system of depreciation for Iowa income tax. This system, which is going to

be available on the federal income tax return, benefits businesses of all sizes. It is especially important to our farmers who must buy farm equipment and update their farm buildings. It will also benefit our hard-pressed lumber yards, hardware stores, and farm machinery dealers.

The state of Iowa's future is dependent on the future of agriculture. We are beginning to see significant improvements in soil conservation. The increase in the use of no-till and minimum-till farming in 1981 was truly astounding. We need to continue to move forward with our multi-faceted soil conservation program.

Farmers are ready to support a land use policy designed to protect farm land for future generations provided that we maintain local control and give them right-to-farm protections.

A year ago I expressed support for an offensive against crime. We made some progress, but much more is needed. We need to strengthen our criminal laws with a goal of improved public safety.

An interim committee on sentencing has made some good recommendations. In addition to sentencing, we need to look at our bail bond law.

It is time that we get tough on drunk driving. We also must take the profit out of trafficking in illegal drugs. With the rise of violent crimes being committed by juvenile delinquents, it is time that we correct the problem areas of the juvenile code.

The people of Iowa will no longer tolerate the continual release of juvenile delinquents or adult criminals who commit one violent criminal act after another. Assisting the victims of crime should be a top priority. We must do our part in improving the criminal justice system in order to help restore public confidence.

We need to make some decisions in the area of corrections. Additional beds are needed. We have a number of options to consider, we must select a realistic and economical option, and move ahead on it this session.

We will have to make a number of difficult budget decisions this year. There is no way that we will be able to pick up all of the federal budget cuts with state funds. However, we should give top priority to maintaining the services that our handicapped and elderly people depend upon.

Education received almost 60 per cent of our general fund budget. It has had to share in the belt tightening. Although we cannot afford a big increase in allowable growth, we should assure every school district that state aid in subsequent years will always be at least equal to that of the previous year regardless of enrollment.

We require our public school districts to provide transportation for non-public students living in their district. We should see that this program is fully funded. To fail to do so will cause major problems for our public schools who have large numbers of non-public school students living within their borders.

It is important that we take the right approach as we start this 1982 session of the legislature. We should look at each difficulty as a challenge and each problem as an opportunity. If we have that kind of an attitude, together we can meet the challenges and provide greater opportunities for the people of Iowa.

The Journal of Monday, January 11, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stan Haugland, M.D., Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bisenius, Yenger, Murray, Hulse and Comito for the day on request of Senator Hultman.

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 nomination as permanent officers and employees of the Senate for the 1982 Session of the Sixty-ninth General Assembly:

- Secretary of the Senate K. Marie Thayer
- Assistant Secretary/
Parliamentarian Kim D. Schmett
- Legal Counsel Ann VerHeul
- Assistant to the Legal
Counsel Joan D. Norris
- Records and Supply Clerk Mary Lee Barnett
- Research Analyst Catherine A. Schuster
- Research Analyst Timothy Waddell
- Secretary to Caucus Judy Bertelsen
- Assistant Bill Clerk LouAnn Shepard
- Doorkeeper Gerald O. Nason
- Doorkeeper Domenic P. Morrow
- Senate Secretary Bonnie Nath
- Senate Secretary Charlotte Snyder
- Senate Secretary Joanne Nystrom
- Senate Secretary Judy Frazier
- Senate Secretary Norma Rodgers
- Senate Secretary Harriet Vande Hoef

CALVIN O. HULTMAN, Chair

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.

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.

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 Dreeszen, Carney and Brown.

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 Waldstein, Gentleman and Hutchins.

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 1982 Session of the Sixty-ninth General Assembly:

- Page Lori Ann Burghoffer, Donnellson
- Page Steven A. Carter, Ankeny

Page Kelley Conway, Knoxville
Page Diane P. Davis, Laurens
Page Scott R. Foens, Tipton
Page Pam Hemmingsen, Atlantic
Page Kathy A. Kamin, Masonville
Page Christine M. Koester, Carroll
Page Julie A. Kraft, Kingsley
Page Sarah M. Reed, Washington
Page Clark J. Schoening, Glenwood
Page Jacklyn Van Ekeren, Monroe
Page Julie J. Whitehurst, Clear Lake
Secretary of the
Senate's Page John M. Hartogh, Indianola
Lieutenant Governor's Page Jami L. Dyer, Marion

CALVIN O. HULTMAN, Chair

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.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Waldstein 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.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

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

HOUSE CONCURRENT RESOLUTION 101

By: Pope and Avenson

- 1 *Be It Resolved by the House of Representatives,*
- 2 *the Senate Concurring,* That a joint convention of the

3 two houses of the 1982 session of the Sixty-ninth
 4 General Assembly be held on Tuesday, January 12, 1982,
 5 at 10:00 a.m.; and
 6 *Be It Further Resolved*, That Governor Robert D. Ray
 7 be invited to deliver his combined condition of the
 8 state and budget messages at this joint convention of
 9 the two houses of the General Assembly and that the
 10 Speaker of the House of Representatives and the
 11 President of the Senate be designated to deliver the
 12 invitation to him.

This resolution was read first time and **passed on file**.

ASSIGNMENT OF SEATS IN THE PRESS GALLERY

Senator Lura 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 voice vote and the Secretary assigned the following:

51 Des Moines Register, Diane Graham
 52 Des Moines Tribune, Tom Witosky
 53 The Associated Press, Roger Munns
 54 Iowa Radio Network, C. Ross Martin
 55 United Press International, Charles Abbott
 56 Iowa Legislative News Service, Jo VonStein
 57 KRNT Radio, Julie Rutz
 58 The Cedar Rapids Gazette, Ken Sullivan
 59 Dubuque Telegraph Herald, Roxie Hammill
 60 Iowa Daily Press Association, Harrison Weber
 61 KWWL-TV, Larry Mundt; WMT Radio News, Christy Cobb
 62 Waterloo Courier, Bob Case
 63 Quad-City Times, Michael C. Owen
 64 KCCI-TV, Brooks Humphreys

GENERAL ASSIGNMENT

AFSCME Public Employee News, Larry Scarpino
 The Cedar Rapids Gazette, Judy Daubenmier
 Des Moines Register, Charles Bullard, James Flansburg, David Yepsen
 Des Moines Tribune, David Elbert, Dick Brown, Dewey Knudson
 Iowa AFL-CIO, Mark Belkin
 Iowa Daily Press Association, Peggy Anderson, Doug Hock
 Iowa Legislative News Service, Kathleen Kelley
 Iowa Press Association, Bill Monroe

Iowa Public Broadcasting Network, Nancy Crowfoot, Sara Frasher, Daniel Miller, Linda Wright, Carl Zahari, Mark Brown, Sid Sprecher
 Iowa Radio Network, Ed Kintzer, Sandy Hall
 KCCI-TV, Michele Burgad, Dave Busiek, Craig Parsons, Mark Swanson, Dave Warner, John Houghton
 KRNT Radio, Dan McPherson
 KWWL-TV, Tisha Grady
 United Press International, Charles Abbott, Tamara Henry, Thomas Peterson
 WHO Radio, Larry Cotlar, Steve Oswald, Lore McManus, George Clark, Mike Lee
 WMT Radio News, Jim Boyd
 WOI-AM FM Radio, John Dougan, Pamela Drum
 WSUI Radio, Barry Waters

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Dreeszen 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.

ADOPTION OF RESOLUTION

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

On motion of Senator Hultman, House Concurrent Resolution 101, a resolution providing for a joint convention on January 12, 1982, filed January 12, 1982, and found on pages 7 and 8 of the Senate Journal, was taken up for consideration.

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

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 101

By: Committee on Rules and Administration

1 *Be It Resolved by the Senate*, That the permanent rules
 2 of the senate for the 1982 session of the sixty-ninth general
 3 assembly be amended as follows:

4 Rule 6

5 Senate Calendar

6 1. Each legislative day the secretary of the senate shall

7 prepare a listing of bills to be known as the "Senate

8 Calendar”.

9 2. The senate calendar may contain a listing under the
10 category “Special Order” which shall be placed at the head
11 of the calendar. Bills in such category shall be those which
12 are specifically set for debate by the majority leader with
13 the consent of the senate on a certain date and time. Bills
14 shall be listed by the secretary in the order they are set
15 for debate.

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

18 a. Conference Committee Report
19 b. Bills in Conference Committee
20 c. House Amendment to Senate Amendment to House File
21 d. House Refuses to Concur in Senate Amendment to House
22 File

23 e. Senate Files Amended by the House

24 f. Unfinished Business Before the Senate

25 g. Motions to Reconsider

26 4. The secretary shall list bills and resolutions in the
27 above categories in the order they are received. Upon their
28 first publication in the calendar, bills and resolutions in
29 the above categories may be called up for debate at any time
30 by the majority leader. Motions to reconsider shall be called
31 up as provided by Rule 24.

32 5. The senate calendar shall include a listing of senate
33 appropriations committee bills and bills reported out by the
34 senate appropriations committee. The list shall be known
35 as the “Appropriations Calendar”. The secretary shall list

Page 2

1 the bills in the order they are received. Upon their first
2 publication in the calendar, bills on the appropriations
3 calendar may be called up for debate at any time by the
4 majority leader provided they are eligible under Rule 8.

5 6. *The senate calendar shall include a listing of bills*
6 *which pertain to the levy, assessment or collection of taxes*
7 *sponsored by or initially assigned to and reported out by*
8 *the senate ways and means committee. The list shall be known*
9 *as the “Ways and Means Calendar”. The secretary shall list*
10 *the bills in the order they are received. Upon their first*
11 *publication in the calendar, bills on the ways and means*
12 *calendar may be called up for debate at any time by the*
13 *majority leader provided they are eligible under Rule 8.*

14 [6] 7. The senate calendar shall include a list of bills
15 and resolutions, known as the “Regular Calendar”, which shall
16 consist of bills and resolutions reported out by a senate
17 committee. The bills and resolutions reported out each day
18 shall be placed in the order of their file numbers and

19 following those reported out on previous days. Priority shall
20 be given to senate over house bills and resolutions and to
21 joint resolutions over bills. Bills and resolutions on the
22 regular calendar shall be considered in the order they are
23 listed, provided they are eligible under Rule 8.

24 [7] 8. Each Thursday, the majority leader, or in the absence
25 of the majority leader the assistant majority leaders, may
26 select from among the first twenty bills on the previous
27 legislative day's regular calendar and from the bills selected
28 create a new listing which shall be known as the "Debate
29 Calendar". The debate calendar shall list bills as the
30 majority leader expects to take them up during the following
31 week. A bill or resolution on the debate calendar may be
32 debated only when eligible under Rule 8. If a bill is not
33 reached for debate during the week, it shall be returned by
34 the secretary to its former place on the regular calendar.

35 [8] 9. Each Wednesday the majority leader, or in the absence

Page 3

1 of the majority leader the assistant majority leaders, may
2 initiate action to create a list of bills which may be debated
3 at any time upon being called up for debate by the majority
4 leader. Such list shall be known as the "Noncontroversial
5 Calendar". Any bill which appeared on the previous day's
6 regular calendar may be placed by any senator on the "Proposed
7 Noncontroversial Calendar", which shall be published on
8 Thursday. Any bill on the proposed noncontroversial calendar
9 shall be stricken from the calendar if any senator files a
10 written objection with the secretary of the senate on the
11 first or second legislative day after its appears on the
12 proposed noncontroversial calendar. Any bill stricken from
13 the proposed noncontroversial calendar shall be returned to
14 its former place on the regular calendar. The secretary shall
15 prepare the noncontroversial calendar which shall consist
16 of all bills on the proposed noncontroversial calendar to
17 which no objection was received.

18 [9] 10. If the senate shall not be in session on a day
19 assigned in paragraphs [seven and] eight and nine for action
20 upon a calendar, such assigned action shall occur on the next
21 succeeding legislative day.

22 [10] 11. On any bill called up for debate from any calendar,
23 debate may continue from day to day until it is adopted,
24 fails, or is postponed or deferred. If further debate is
25 postponed or deferred without a time to continue being set,
26 except for bills on the debate calendar, the bill shall be
27 listed as unfinished business. Bills on the debate calendar
28 upon which further debate is postponed or deferred without
29 a time to continue being set shall return to the regular
30 calendar.

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Rule 24

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Reconsideration

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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

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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. A motion to reconsider an amendment to a main motion or main question shall be taken up for consideration only prior to the disposition of the main question or upon reconsideration of the main question. A constitutional majority *by a record roll call* 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 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

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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.

Read first time and placed on calendar.

INTRODUCTION OF BILLS

Senate File 2001, by Rush, a bill for an act to repeal certain enactments upon which the item veto was exercised by the governor in 1979 and 1980.

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

Senate File 2002, by Nystrom, a bill for an act establishing the penalties of death or life imprisonment for certain offenses and prescribing procedures therefor, and providing a January 1 effective date.

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

Senate File 2003, by Waldstein, a bill for an act relating to the notification of persons upon release of inmates.

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

Senate File 2004, by Hutchins, Van Gilst, Priebe, Carr, Anderson, Coleman, Gallagher, Husak, Junkins, Kinley, Miller of Cerro Gordo, Miller of Des Moines, Rodgers, Slater, Rush, Palmer, Deluhery and Doyle, a bill for an act to appropriate funds for the costs of nonpublic school pupil transportation and to provide that the Act takes effect upon its publication.

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

Senate File 2005, by Holden, a bill for an act exempting certain employment agencies from the employment agencies licensing chapter, and making a penalty applicable.

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

Senate File 2006, by Miller of Des Moines, a bill for an act relating to seniority credit given to members of the Iowa highway safety patrol.

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

Senate File 2007, by Holden, a bill for an act to exempt certain persons over age sixty-five from the requirements of continuing professional and occupational education.

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

Senate File 2008, by Gratiyas, a bill for an act relating to the exemption of agricultural buildings, structures, and improvements from property taxation.

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

Senate File 2009, by Doyle, a bill for an act relating to the annual salary of the deputy clerks of the district court in a county having two locations at which the district court is held.

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

Senate File 2010, by Junkins, a bill for an act relating to reimbursement by the state of counties having correctional institutions for attorney fees and other costs of representation of inmates in certain postconviction proceedings, including provisions for reimbursement of costs incurred prior to the effective date of this Act.

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

Senate File 2011, by Wells, a bill for an act permitting local authorities to regulate noise of motor vehicles.

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

Senate File 2012, by Junkins, a bill for an act relating to vehicle stops at railroad crossings.

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

Senate File 2013, by Gratiyas, a bill for an act permitting the board of directors of a public school district to prohibit extracurricular activities from taking place on certain days.

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

Senate File 2014, by Doyle, a bill for an act relating to the granting of immunity for certain acts relating to the detention and commitment of substance abusers under chapter 125.

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

Senate File 2015, by Husak, a bill for for an act exempting land qualifying as prairie from property taxation effective for tax years beginning on or after January 1, 1983.

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

Senate File 2016, by Brown, a bill for an act relating to requirements for purchase of school buses by school districts and area education agencies and to provide that the Act takes effect July 1, 1983.

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

Senate File 2017, by Murray, a bill for an act relating to the reimbursement of part-time gubernatorial appointees for child care expenses.

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

Senate File 2018, by Husak, a bill for an act relating to the additional property tax relief for the elderly and disabled by allowing the executor or administrator of an estate to file a claim for reimbursement for rent constituting property taxes paid.

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

Senate File 2019, by Doyle, a bill for an act relating to grave markers for veterans.

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

Senate File 2020, by Hultman and Briles, a bill for an act relating to the valuation of agricultural land for property tax purposes by providing that it be based upon actual productivity and providing a January 1 effective date.

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

Senate File 2021, by Holden, a bill for an act limiting the issuance of handicapped identification devices to handicapped persons and certain government agencies and private organizations.

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

Senate File 2022, by Holden, a bill for an act to impose an excise tax of thirteen cents per gallon on the use of gasohol for operating vehicles on the highways of this state, effective upon publication.

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.

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 Parliamentarian 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 10:00 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 Holden 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 Holden, Priebe and Ramsey on the part of the Senate, and Representatives Pellett, Swearingen and Walter 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.

President Branstad then presented Governor Ray, who delivered the following combined condition of the state and budget messages:

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

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

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

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

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

Iowa offers so much to the world. We offer productive people to match our rich resources. We offer common sense, tolerance, respect and caring. We offer stability and balance. Yet, we also have the confidence to reach out and try new things.

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

Our hopes for recovery from the recession of 1980 were dashed by the recession of 1981. Indeed, America's economy was about as flat as some of Iowa's best farmland. Here in Iowa we have felt the full force of this recession.

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

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

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

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

* Iowa farmers harvested record corn and bean crops, tops in the country.

* Iowa companies announced 159 plant expansions, up 11 percent from 1980, and another 81 firms located here in '81 . . . creating new Iowa jobs.

* Iowans reduced their energy consumption by 7 percent, saving an average of \$368 per household; and, 26,000 low-income Iowans now have their homes weatherized.

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

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

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

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

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

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

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

Let me begin with details on job incentives.

JOBS FOR IOWANS

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

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

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

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

My seven-point plan for more jobs also includes:

Third—Putting a "one-stop" permitting center in the Development Commission to cut red tape.

Fourth—Expanding a small business development authority and beginning a venture capital clearinghouse.

Fifth—Funding Industrial Start-up Training at Iowa's excellent area schools.

Sixth—Expanding Housing Authority lending to build 1,000 more homes for lower-income Iowans.

Seventh—Mobilizing a Governor's Youth Corps, to give young Iowans the chance to work.

I can also tell you that a Governor's High Technology Task Force will meet this week to examine Iowa's Potential for this dynamic growth industry. And, we intend to enhance our promotion of Iowa for travel and tourism to bring dollars and jobs here.

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

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

HELPING NEEDY IOWANS

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

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

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

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

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

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

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

CRIMINAL JUSTICE

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

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

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

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

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

Changes need be made in Iowa's sentencing laws. Convictions for second degree murder, attempted murder and auto theft should carry a longer sentence. Every inmate should serve a predictable, minimum term. The new Iowa Classified

Sentencing System I introduce today will keep violent, habitual criminals behind bars—where they belong. This system will also classify low-risk offenders who do not benefit from long sentences.

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

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

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

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

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

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

IOWA'S NATURAL RESOURCES

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

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

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

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

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

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

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

GOVERNMENT EFFICIENCY

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

We have worked for years to streamline state government, and we have come a long way. The hiring freeze cut the state's payroll by 1,200 positions. And, in less than two years, a majority of the money-saving suggestions made by the 1979

Governor's Economy Committee have been put in place. This year, we can move ahead and accomplish even more.

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

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

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

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

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

In addition to the \$25 million increase already scheduled for next year, I request adding \$6 per pupil to the School Foundation funding level for over 500,000 Iowa kids. This will bring school year 1982-1983 funding to \$648 million, by far the highest ever.

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

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

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

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

Other priorities include:

- * Offering a property tax exemption for homes using energy-saving passive solar systems.
- * Assuring ongoing operation of the Department of Substance Abuse and the Energy Policy Council.
- * Planning for centralized funding of Iowa's judicial system.
- * Speeding up opening of the new hospital wing at the Iowa Veterans' Home in Marshalltown.

*And, adjusting the gasohol tax exemption to continue support for Iowa's corn growers, and put needed dollars into road repairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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In closing, I am reminded of a comment made by John Naisbitt in Stockholm,

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

I'm sure John Naisbitt believes that.

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

You bet we can! We most certainly can!

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

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

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

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

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

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

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

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

Let us begin.

GOVERNOR'S RECOMMENDATIONS

CREATE JOBS FOR IOWA WORKERS

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

* Job Incentive Tax Reduction

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

*** Personal Property Tax Phase-out**

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

*** Small Business Development**

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

*** Housing Assistance**

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

*** One-Stop Permitting**

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

*** Risk Capital Information Clearinghouse**

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

*** Industry Start-Up Training Program**

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

*** High Technology Task Force**

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

PROVIDE FOR IOWANS WHO NEED OUR HELP

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

*** Title XIX Medicaid**

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

*** Social Services Block Grant Title XX**

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

*** Child Medical Assistance**

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

*** Shelter Assistance**

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

1. Should be expanded to a higher reimbursement level from \$150 per month to \$215 per month for rent or mortgage payments;
2. Should be extended to four months from the current three months; and
3. Should allow some earnings without being disqualified from the program.

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

*** Energy Assistance/Weatherization**

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

*** Workfare Pilot Project**

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

*** Homemaker Services**

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

*** Mental Health**

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

OPEN NEW FRONTS IN THE NEW WAR ON CRIME

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

Iowa Classified Sentencing System

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

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

* Predictable Sentences

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

* Parole Eligibility

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

* Good and Honor Time

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

Drunk Driving Program

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

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

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

- * provide authority to administratively revoke drivers' licenses in cases where a test shows a 10 percent blood-alcohol content or implied consent is invoked. We should also provide authority for law enforcement officers to serve notice of revocation and to immediately seize the drivers license in both of these situations.

- * authorize the use of the Preliminary Breath Test System (PBT) to assist peace officers in evaluating whether drivers should be arrested or given the choice of taking a regular breath test.

* amend the "per se" drunk driving law to bring it into conformity with the OMVUI law.

* prohibit the use of deferred judgments in cases where the defendant's drivers license was revoked for a previous OMVUI or "per se" violation.

* increase to a serious misdemeanor from a simple misdemeanor the crime of driving without a valid license.

Crackdown on Drug Trafficking

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

* The Drug Profits Act allows the state to recover all funds used in illegal drug transactions and, through civil procedures, to seize all assets and real property purchased with the profits of illegal drug sales.

* The Turkey/Look-Alike Law makes it a crime to sell legal substances which have been represented to be illegal, and outlaws substances which are packaged in such a way as to resemble controlled or prohibited drugs. These so-called "look-alike" drugs have proved to be dangerous and, at times, even fatal while having no redeeming medical value.

* Increasing Drug Fines will provide judges the ability to double or triple the amount of fines in convictions of first offense illegal drug transactions. They already have this power for second subsequent offenses.

Criminal Justice Improvement Fund

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

*** Support for Undercover Narcotics Operations**

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

*** Elderly Crime Prevention**

Elderly people are often the most defenseless against crime and the most affected by it. In order to help thwart burglaries, at least 20 pilot programs will be established in which elderly volunteers will do crime prevention audits on the homes

of other elderly. This program will also include an effort to reduce elderly abuse by requiring the reporting of elderly abuse to law enforcement agencies. Follow-up work by available elderly volunteers will provide support services.

*** Victim Compensation**

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

*** Crime Prevention**

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

*** Support for Local Law Enforcement Efforts**

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

— increase funds available to our crime lab to ensure that analysis of evidence is completed in as timely a fashion as possible.

— provide additional training courses for local peace officers at our Iowa Law Enforcement Academy.

— establish a statewide computerized information network on peace officer recruits so that local police and sheriffs departments will have access to all qualified candidates from around the state.

— assist in supporting the training of prosecutors and new County Attorneys.

*** Drunk Driving Prevention**

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

*** Corrections**

To assist in upgrading the training and planning for our correctional system,

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

Child Abuse Prevention

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

Revision of Statutory Sentences

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

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

Office of Criminal Justice Analysis

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

Corrections

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

* Over 75 percent of our convicted offenders are in community-based corrections. The continued success of our local supervision and treatment efforts will be enhanced by expansion of and replacement of a certain number of community-based programs and facilities.

* A system wide prisoner classification center will begin, located at the Iowa Men's Reformatory in Anamosa.

* Luster Heights will continue to provide work projects for male minimum security offenders.

* Continued and expanded training at Iowa's new correction academy will benefit all correctional personnel in the system.

* Funds identified by the legislature last year should be authorized for expanding the correctional facility at Oakdale.

* The General Assembly during the last session set in motion correctional changes involving the institutions at Rockwell City and Mitchellville. Recent zoning changes in Mitchellville and the continued need for additional medium security beds for men require a reassessment of legislative action in this area. Sufficient appropriations are recommended to provide for additional staffing and program needs at the Iowa Women's Reformatory at Rockwell City. Adequate funding is provided to establish a 100 bed medium security facility at Mitchellville. These recommended funding levels are also adequate should the General Assembly wish to pursue its initial course of action.

PROTECTION OF IOWA'S RESOURCES

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

* Soil Conservation Loan Program

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

* Land Use

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

—Each county will conduct an inventory of land use within the county, including documenting changes of land use within the past 25 years.

—Each county will be required to develop and implement a county land use plan with consideration of statewide policy goals of preservation of prime farmland, recreational areas, wet lands, and forests.

—Each county will set up a county land use board comprised of representatives of the Soil Conservation District Commissioners, cities and the County Board of Supervisors to carry out the above.

—An inter-agency task force composed of state natural resource agencies will review the county plans and report to the legislature.

—Authority for landowners to voluntarily form agricultural land districts to preserve farmland will be allowed.

—Farmers with land in agricultural districts will be provided some protection from nuisance complaints of newer non-farm neighbors. The handling of complaints about soil erosion and water pollution will not be affected.

—Preservation of prime farmland should be included as a permissible objective of county zoning.

Nonlegislative Actions to Protect Soil Resources

*** Soil Conservation Education**

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

*** Soil Conservation Folders**

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

*** Preservation of Farmland**

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

Protection of Iowa's Water Resources

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

*** Water Reorganization**

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

*** Safe Drinking Water**

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

*** Water Use Permits**

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

*** Water Storage Rights**

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

*** Water Information**

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

*** Missouri River**

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

*** Water Data Collection**

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

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Park User Fees

The maintenance of our state parks has been hurt by federal funding reductions. A park user fee will raise substantial funds to be used to maintain our parks. Thirty-

seven states, including Iowa's neighboring states, have park user fees, and polls show Iowans favor the fees as a way to keep up our parks. A \$10 per vehicle fee will allow unlimited enjoyment of all Iowa state parks for a whole year.

Energy

***Solar Property Tax Exemption**

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

***Radioactive Waste Compact**

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

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

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

Grain Elevator Protection

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

Livestock Dealer Registration

Proposed federal cutbacks in livestock marketing regulations and the continuing

need to improve the ability to control livestock diseases make a state livestock dealer registration law necessary. The administration of the registration program should be financed with fees assessed on livestock dealers.

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STREAMLINE STATE GOVERNMENT

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

Personnel Department

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

Professional Licensing Reorganization

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

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

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

Historical Department Reorganization

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

OPP Reorganization

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

Forms Control Committee

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

Valuable Ideas for Productivity (VIP)

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

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Assistance to Local Governments

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

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

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

Today, over 30 states permit local option taxes. By allowing cities and counties to

impose local option taxes after a vote of the people, citizens decide locally whether they wish to raise additional revenue.

* A county finance bill should be passed. County governments labor under an archaic system of numerous, earmarked property tax levies which limit their flexibility, complicate their financial administration, and make it difficult to provide the public with meaningful budgetary and financial information. The county finance bill deals with these problems by reducing the number of property tax levies from over 30 to 4, by modernizing county accounting and financial reporting systems, and by placing realistic limits upon property tax growth.

* Tort Liability. Local governments currently are exposed to a greater degree of liability than other levels of government. Local governments should not be liable for punitive damages just as the state and federal governments are not liable for such damages.

Education

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

*** Elementary Secondary**

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

*** Regents**

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

*** Private Colleges and Universities**

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

*** Merged Area Schools**

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

*** Nonpublic School Transportation**

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

*** Cash Reserve Levy**

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

Higher Education Loan Authority

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

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TRANSPORTATION

Gasohol

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

To do so, action should be taken to:

- * Extend the tax incentive for ethanol products from July 1, 1983 to July 1, 1985.
- * Phase out the current 7 cent tax incentive by adding 3 cents to the tax in 1982, 2 cents in 1983 and 1 cent in 1984.

Staggered Vehicle Registration

Current law requires Iowans to register their motor vehicles by January 31 of each year. The annual rush to register approximately 2.4 million cars and pickups results in long lines at the offices of the county treasurers. Legislation needs to be enacted to

distribute the registration process throughout the year rather than compressing it into the existing two-month time frame.

Blue Ribbon Study of Transportation in Iowa

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

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SUBSTANCE ABUSE/ENERGY POLICY COUNCIL EXTENSION

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

REVENUE

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

*** Federal Tax Changes/Deductibility**

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

*** Federal Windfall Profits**

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

*** Interstate Telephone and Cable TV**

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

* Insurance License Fees

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

* Cash Management Improvement

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

—collect use tax deposits on a monthly instead of a quarterly basis.

—collect sales tax deposits of \$4,000 or more semi-monthly instead of monthly. Illinois now requires weekly payments. Two hundred seventy-five Iowa taxpayers would be affected by this change.

—collect withholding tax deposits of \$8,000 or more on a semi-monthly instead of monthly basis. The federal government and several other states now require withholding deposits more frequently than monthly. Three hundred Iowa taxpayers would be affected by this change.

* Nonresident and Part-Year Resident Income

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

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Block Grant Funding

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

Centralized Court Funding

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

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

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

The Senate returned to the Senate chamber and resumed regular session, Senator Kudart presiding.

RECESS

On motion of Senator Hultman, the Senate recessed at 10:40 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Nystrom presiding.

APPENDIX

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 4, the Committee on Rules and Administration submits the following names of officers and employees of the Senate and their respective classification, grades and steps:

Secretary of the Senate	K. Marie Thayer	\$26,000 Effective 12-21-81
Assistant Secretary/ Parliamentarian	Kim D. Schmett	Grade 29 Step 1 Effective 1-4-82
Legal Counsel	Ann VerHeul	Grade 29 Step 1 Effective 1-6-82
Assistant Secretary	Cynthia A. Clingan	Grade 27 Step 5 Effective 10-23-81
Research Analyst	William Maloney	Grade 26 Step 5 Effective 8-1-81
Research Analyst	Timothy R. Wadell	Grade 26 Step 1 Effective 9-16-81
Research Analyst	Cathy Schuster	Grade 26 Step 1 Effective 11-18-81
Assistant to/ Legal Counsel	Joan Norris	Grade 17 Step 1 Effective 1-7-82
Secretary to/ the Secretary	Judy Rutledge	Grade 20 Step 3 Effective 12-18-81
Caucus Secretary	Judy Bertelsen	Grade 15 Step 2 Effective 10-19-81
Doorkeeper	Domenic Morrow	Grade 9 Step 1 Effective 1-11-82
Doorkeeper	Gerald Nason	Grade 9 Step 1 Effective 1-11-82

CALVIN O. HULTMAN, Chair

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Branstad announced the following appointment to a statutory committee:

COMPENSATION, EXPENSES, AND SALARIES FOR ELECTED STATE OFFICIALS COMMISSION

Jack Drake, Lewis, Iowa, in accordance with Section 2A.1, Code 1981, for a five-year term beginning June 30, 1981, and ending June 30, 1986.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: December 21, 1981, 9:30 a.m.

Members Present: Hultman, Chair; Hulse, Vice Chair; Holden, Junkins and Ramsey.

Members Absent: Kinley, Ranking Member.

Final Bill Action: SENATE RESOLUTION 101, a resolution amending the permanent rules of the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:30 p.m.

COMMUNICATIONS

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

COMMISSION ON THE AGING

A copy of the Annual Report of the Iowa Commission on the Aging for the fiscal year 1980, pursuant to Sec. 249B.4(6), Code 1981.

Copies are available to members of the Senate upon request from the Secretary's office.

DEPARTMENT OF TRANSPORTATION

A copy of the rail passenger service feasibility study prepared by the Department of Transportation pursuant to Chapter 3, Sec. 30, 1981 Extraordinary Session Laws of the Sixty-ninth General Assembly.

Copies are available to members of the Senate upon request.

SUPREME COURT OF IOWA

A copy of the Actuarial Valuation as of July 1, 1981, for the State of Iowa Judicial Retirement System pursuant to Sec. 605A.18, Code 1981.

Copies are available to members of the Senate upon request.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2001	Appropriations
S. F.	2002	Judiciary
S. F.	2003	Judiciary
S. F.	2004	Appropriations
S. F.	2005	State Government
S. F.	2006	State Government
S. F.	2007	State Government
S. F.	2008	Ways and Means
S. F.	2009	County Government
S. F.	2010	Judiciary
S. F.	2011	Transportation
S. F.	2012	Transportation
S. F.	2013	Education
S. F.	2014	Judiciary
S. F.	2015	Ways and Means
S. F.	2016	Education
S. F.	2017	State Government
S. F.	2018	Ways and Means
S. F.	2019	County Government
S. F.	2020	Ways and Means
H.F.	121	State Government
H.F.	753	County Government
H.F.	796	Transportation
H.F.	800	Cities
H.F.	808	Transportation
H.C.R.	15	Rules and Administration

PETITION

The following petition was presented and placed on file by:

Lieutenant Governor Branstad from one hundred forty-one residents of Polk County favoring legislation requesting changes to the Juvenile Code to make the laws tougher.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:03 p.m., until 9:00 a.m., Wednesday, January 13, 1982.

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 13, 1982

The Senate met in regular session at 9:15 a.m., President Branstad presiding.

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

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

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. George Kappos, M.D., Ankeny, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Comito and Yenger for the remainder of the week on request of Senator Hultman; Senator Anderson for the day on request of Senator Junkins.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

July 1, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Kathy Kerst, Des Moines, Polk County, Iowa, for appointment as a member of the Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14(9), 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 6, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of George F. Davison, Jr., Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Railway Finance Authority pursuant to Section 307B.6, 1981 Code of Iowa, for an unexpired term ending April 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Mark A. Wampler, Des Moines, Polk County, Iowa, for appointment as a member of the Transportation Regulation Board pursuant to Section 307.15, 1981 Code of Iowa, as amended by Chapter 22, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an unexpired term ending December 31, 1981.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 7, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of John L. Garred, Whiting, Monona County, Iowa, for appointment as a member of the State Board of Medical Examiners pursuant to Section 147.14(2), 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 8, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Keith E. Uhl, Des Moines, Polk County, Iowa, for appointment as a member of the Environmental Quality Commission pursuant to Section 455B.4, 1981 Code of Iowa,

for an unexpired term commencing immediately and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

July 13, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Paul Murphy, Clinton, Clinton County, Iowa, for appointment as a member of the Iowa Civil Rights Commission pursuant to Section 601A.3, 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

August 11, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Robert F. Tyson, Ankeny, Polk County, Iowa, for appointment as Director of Energy Policy pursuant to Section 93.3, 1981 Code of Iowa, for a term commencing August 17, 1981, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of James E. Gritzner, Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Board of Parole pursuant to Section 904.2, 1981 Code of Iowa, for a five-year term commencing July 1, 1981, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

October 1, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Lewis H. Rich, Glidden, Carroll County, Iowa, for appointment as a member of the Council on Social Services pursuant to Section 217.2, as amended by Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for a six-year term commencing immediately and ending April 30, 1987.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of J.T. Watson, West Des Moines, Polk County, Iowa, for appointment as a member of the Council on Social Services pursuant to Section 217.2, as amended by Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for a six-year term commencing immediately and ending April 30, 1987.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of G. Richard Burr, Sioux Rapids, Buena Vista County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Phyllis S. Christiansen, Grinnell, Poweshiek County, Iowa, for appointment as a member of

the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of James J. Clabby, Waterloo, Black Hawk County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Russell Clarke, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Martin Dettmer, Janesville, Bremer County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Vera V. French, Bettendorf, Scott County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Helen Henderson, West Des Moines, Polk County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Robert D. Hoogeveen, Sheldon, O'Brien County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Mildred Lloyd, Gifford, Hardin County, Iowa, for appointment as a member of the

Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Clarence McDermott, Harlan, Shelby County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Margaret E. McDonald, Cherokee, Cherokee County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Hormoz Rassekh, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Robert Riley, Des Moines, Polk County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Charles W. Semke, Le Mars, Plymouth County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Arlene D. Steege, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Mental Health and Mental Retardation Commission pursuant to Chapter 78, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for an initial term commencing October 1, 1981, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

November 3, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Dr. Gerald T. Jorgensen, Dubuque, Dubuque County, Iowa, for appointment as a

member of the State Board of Psychology Examiners pursuant to Section 147.14(7), 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

November 16, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Richard L. Carruthers, Walcott, Scott County, Iowa, for appointment as a member of the State Board of Medical Examiners pursuant to Section 147.14(2), 1981 Code of Iowa, for an unexpired term ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

November 30, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Sammy F. Swaim, Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Celeste F. Bremer, Davenport, Scott County, Iowa, for appointment as a member of the Occupational Safety and Health Review Commission pursuant to Section 88.10, 1981 Code of Iowa, for an unexpired term beginning immediately and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 3, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Robert E. McMahan, Cedar Rapids, Linn County, Iowa, for appointment as a member of the City Finance Committee pursuant to Section 384.13, 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 10, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Leroy H. Park, Ankeny, Polk County, Iowa, for appointment as a member of the State Board of Parole pursuant to Section 904.2, 1981 Code of Iowa, for a five-year term commencing immediately and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 13, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Elizabeth A. Colby, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the Iowa Housing Finance Authority pursuant to Section 220.2, 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

December 30, 1981

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Conrad A. Amend, Des Moines, Polk County, Iowa, for appointment as Superintendent of the Transportation Regulation Authority pursuant to Section

307.15, as amended by Chapter 22, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for a six-year term beginning January 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

Communications were read and referred to the committee on **Rules and Administration**.

COMMUNICATION

Senator Drake asked and received unanimous consent that the following communication be printed in the Senate Journal:

IOWA TRANSPORTATION POLICY

January 1, 1982

- | | |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 | <ol style="list-style-type: none"> 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 | <ol style="list-style-type: none"> 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. Encourages and assist in the general development, preservation 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, maintenance 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.

WITHDRAWN

Senator DeKoster asked and received unanimous consent that **Senate File 434** be withdrawn from further consideration of the Senate.

Senator Holden asked and received unanimous consent that **Senate File 49** be withdrawn from further consideration of the Senate.

Senator Hultman asked and received unanimous consent that **Senate File 317** be withdrawn from further consideration of the Senate.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:30 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2023, by Holden, a bill for an act relating to the service of process in civil actions and proceedings by persons other than law enforcement officers.

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

Senate File 2024, by Vande Hoef, a bill for an act exempting certain transfers of deeds between a family farm partnership and its partners from the real estate transfer tax.

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

Senate File 2025, by Briles, a bill for an act repealing chapter 42 of the Code.

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

Senate File 2026, by Schwengels, a bill for an act to consolidate the regulation and management of water resources by transferring to the Iowa natural resources council the powers and duties of the department of environmental quality relating to water pollution control and water quality and the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations.

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

Senate File 2027, by Holden, a bill for an act relating to care and treatment of animals, and increasing a penalty.

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

Senate File 2028, by Schwengels, a bill for an act to provide for a special turkey hunting license for landowners.

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

Senate File 2029, by Ramsey, a bill for an act relating to the right of local authorities to deny a liquor license or beer permit.

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

Senate File 2030, by Palmer, a bill for an act to extend the base period upon which unemployment compensation benefits are computed for certain individuals receiving workers' compensation benefits.

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

Senate File 2031, by Schwengels, a bill for an act relating to the assignment of a member of the Iowa highway safety patrol to the office of the lieutenant governor.

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

Senate File 2032, by Craft, a bill for an act to designate Leif Ericson Day as a legal state holiday.

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

Senate File 2033, by Jensen, a bill for an act requiring employees to contribute to the unemployment compensation trust fund, effective January 1 following enactment.

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

Senate File 2034, by Jensen, a bill for an act doubling the penalties for certain public offenses committed against a person sixty-five years of age or older, a handicapped person, or a blind person.

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

Senate File 2035, by Gratias, a bill for an act allowing the copying and publication of quarterly lists of the names and addresses of, and amounts of assistance to certain recipients of public assistance.

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

Senate File 2036, by Schwengels, a bill for an act relating to the definition of resident for state individual income tax purposes and providing for a January 1 effective date.

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

Senate File 2037, by Doyle, a bill for an act to require a bond from a person who provides a handling service for a dealer or a person operating a redemption center and to provide a penalty for violations.

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

Senate File 2038, by Doyle, a bill for an act relating to setting aside a default judgment in small claims court.

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

Senate File 2039, by Schwengels, a bill for an act prohibiting fellow employee suits for work-related injuries covered by workers' compensation benefits and caused by the gross negligence of a fellow employee.

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

Senate File 2040, by Rush, a bill for an act requiring warning notices to be included in urea-formaldehyde foam insulation contracts and providing a penalty.

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

Senate File 2041, by Priebe, a bill for an act relating to the purchase of school buses by school districts.

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

Senate File 2042, by Priebe, a bill for an act requiring insurers who issue group accident or health insurance policies to issue equivalent coverage to persons whose group coverage terminates when they retire and who are ineligible for Medicare.

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

Senate File 2043, by Priebe, a bill for an act to require the filing of a statement prior to a change in land use and its approval by the county government.

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

Senate File 2044, by Murray, a bill for an act relating to the operation of a motor vehicle while having alcohol in the blood, and providing penalties.

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

Senate File 2045, by Gallagher, a bill for an act requiring motor vehicle fuel dealers to provide a pressurized air hose to inflate tires for their customers' use at no extra charge and making a penalty applicable.

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

Senate File 2046, by Van Gilst, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation.

Read first time and passed on file.

Senate File 2047, by Miller of Des Moines, a bill for an act requiring nonresidents to register certain vehicles operated by residents and providing a penalty.

Read first time and passed on file.

APPENDIX
COMMUNICATIONS

The following communications were filed with the Secretary of the Senate on December 23, 1981.

December 22, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Mackay:

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

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

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

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

Receipt of the above is hereby acknowledged.

K. MARIE THAYER, Secretary of the Senate

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
9654-69-25	Samuel W. Wiley Des Moines, Iowa Reimbursement of Medicare payments paid by himself rather than by the State.	\$ 78.30	Disapproved
9921-69-25	Merle F. Hennessey Cedar Rapids, Iowa Recover 3.6% withheld on installment payment of a Public Improvement Certificate.	10.29	Disapproved

9955-69-25	Lewis A. James Des Moines, Iowa Outdated expense claim.	44.50	Disapproved
9966-69-25	Bruce Steffens, M.D. Rock Island, Illinois Outdated invoice for a missed consultive exam.	35.00	Disapproved
9968-69-25	Felix W. Dotzler Harlan, Iowa Accrued sick leave reimbursement.	2,000.00	Disapproved
9979-69-25	Penny Rae Corrigan Aurora, Colorado Vehicle registration refund for 1978.	Undetermined	Disapproved
9988-69-25	Cedar Rapids Hide & Fur Cedar Rapids, Iowa Recover 3.6% withheld on installment payment of a Public Improvement Certificate.	6.94	Disapproved
9990-69-25	Iowa Methodist Medical Center Des Moines, Iowa Outdated invoice for medical care provided to a Clarinda MHI patient.	146.63	Disapproved
10002-69-25	Burlington Medical Center Burlington, Iowa Outdated Title XIX invoice.	534.45	Disapproved
10021-69-25	Anesthesia, Inc. P.C. Burlington, Iowa Outdated Title XIX invoice.	137.50	Disapproved
10072-69-25	Treasurer of the United States Grimes, Iowa Payment for items missing from inventory of Iowa National Guard.	3,000.96	Disapproved
10080-69-25	Spencer Ready Mix, Inc. Spencer, Iowa Fuel tax refund.	121.21	Disapproved
10084-69-25	Lynn L. Sheriff Sheffield, Iowa License refund.	73.00	Disapproved
10132-69-25	Wood's Truck Equipment, Inc. Tipton, Iowa License refund.	337.65	Disapproved
10151-69-25	Irwin Farm Supply, Inc. Irwin, Iowa Vehicle registration refund.	107.50	Disapproved

10175-69-25	Alan N. Lannholm Marshalltown, Iowa Registration fee refund.	12.00	Disapproved
10178-69-25	Perkins Trenching Indianola, Iowa Registration fee refund.	10.00	Disapproved
10186-69-25	Jasperson Trucking Kinsley, Iowa Prorate refund.	306.37	Disapproved
10203-69-25	Mercy Hospital Davenport, Iowa Billing for medical services to prisoner on work release program.	450.88	Disapproved
10216-69-25	CRST, Inc. Cedar Rapids, Iowa Fuel tax refund.	13,968.02	Disapproved
10236-69-25	Witte Transportation Company St. Paul, Minnesota Prorate refund	Undetermined	Disapproved
10237-69-25	Iowa State Industries Anamosa, Iowa Reimbursement of accounts receivable.	51,530.81	Disapproved
10273-69-25	Ruby Lucille Hall Glenwood, Iowa Unused sick leave reimbursement.	2,000.00	Disapproved
10316-69-25	Jeffrey K. Ames Clegghorn, Iowa Registration refund.	15.00	Disapproved
10340-69-25	David Lawrence Thomas Des Moines, Iowa Outdated billing.	49.00	Disapproved
10341-69-25	Ervin Dale Sorenson Alta, Iowa Real Estate Transfer Tax refund.	454.85	Disapproved
10365-69-25	Albert D. Blenderman, M.D. Sioux City, Iowa Medical services provided to a Title XIX recipient.	491.00	Disapproved
10397-69-25	Albert Eugene Steinbach Schenectady, New York Registration refund.	27.50	Disapproved
10426-69-25	Roma Reynolds/Commonwealth Care Center Des Moines, Iowa Outdated medical services billing. Title XIX recipient.	1,116.00	Disapproved

10443-69-25	Allen Memorial Hospital Waterloo, Iowa Outdated Title XIX billing.	75.00	Disapproved
10500-69-25	Allen Memorial Hospital Waterloo, Iowa Outdated Title XIX billing.	35.70	Disapproved
10505-69-25	Dean Richard Piltingsrud Des Moines, Iowa License refund.	6.50	Disapproved
10525-69-25	John William Sauer (Dec'd) c/o Velma Jane Sauer Urbandale, Iowa Accrued sick leave.	2,000.00	Disapproved
10682-69-25	Harrison Hedgecock Mason City Outdated Claim for WW II Service Compensation bonus.	Undetermined	Disapproved

December 22, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Mackay:

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

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

Very truly yours,
RONALD F. MOSHER
State Comptroller

Receipt of the above is hereby acknowledged.

K. MARIE THAYER, Secretary of the Senate

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

Claim Number,	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5988-69	Louis H. Woods Gold ring lost while in possession of officials at State Penitentiary.	\$ 450.00	\$ 100.00
T-6039-69	John P. Veit Payment for cost of leasing a vehicle while his was being repaired. Damaged by a resident of the Iowa Juvenile Home.	1,305.25 (\$529.55 previously approved 3-17-80 for damage to vehicle.)	575.70
T-6173-69	William Stephen Personal items missing when transferred by John Bennett Correctional Center.	102.30	50.00
T-6202-69	Thomas Allen Hahn Clothing stolen while in the State's custody.	250.00	30.00
T-6213-69	Phillip B. Cuevas Personal items lost while in custody of the State.	73.50	50.00
T-6356-69	Michael Hatfield Stereos lost while in custody of officials at the State Penitentiary.	133.84	133.84
T-6403-69	Leslie Klouda Damage to clock by officials at Riverview Release Center.	35.00	35.00
T-6433-69	Russel R. Scovel Property lost while in custody of state officials.	60.00	60.00
T-6572-69	Aaron R. Burtchett TV missing on return to State Penitentiary.	110.00	110.00
TE-6573-69	Farm Bureau Mutual Insurance Company Damage to insured's car by an Air National Guard dump truck.	429.51	429.51
T-6586-69	Cyril P. Duff Damage to camper while stored at State Fair Grounds.	25.00	25.00

T-6623-69	Jimmy Battani Patient at Woodward State Hospital School ran into claimant's car with bicycle.	91.67	91.67
T-6723-69	Timothy G. Mills Medical expenses incurred from accident at Backbone State Park.	111.00	111.00
T-6797-69	Economics Laboratory, Inc. Soap dispenser destroyed by State Penitentiary.	473.00	473.00
T-6798-69	Lucile Dorothy Black Medical expenses incurred from fall at State Fair.	Undetermined	280.75
T-6801-69	Tina Patten Bicycle ran over by a University of Iowa truck.	96.26	96.26
T-6821-69	Tina Green Damages from fall at State Fair Grounds.	100.00	50.00
T-6822-69	David Schumacher Necklace lost at Mt. Pleasant Mental Health Institute.	12.00	12.00
T-6852-69	Jay Corbett Personal items stolen from his cell at the State Penitentiary.	208.49	100.00
T-6892-69	Alphonse H. Boge Money taken from his account at the State Penitentiary without his approval.	250.00	250.00
T-6864-69	111 South Summit Street Corp. Damages to their building by juveniles under guardianship of the DSS.	293.06	293.06
T-6896-69	Billie Lue Gregory Reimbursement for watch dropped by guard at State Penitentiary.	150.00	15.00
T-6908-69	H. Leslie Steeves Damages to eyeglasses by electric arm at parking lot at University of Iowa.	106.86	45.00
T-9646-69	Kenneth E. Newby Eyeglasses broken during training exercise at the training facility at Clarinda.	96.07	96.07

T-9667-69	Bartley C. Weller Reimbursement for clothing ruined by oil from a hose on a DOT tank.	142.00	75.00
T-9709-69	Kirk J. Ybarra Personal items lost while in custody of officials at the Men's Reformatory.	300.00	45.00
T-9748-69	Gordon Dorn Milk lost when ISU College of Veterinary Medicine officials failed to notify claimant that his cows had received antibiotics.	1,000.61	1,000.61
T-9749-69	Donald M. Smart, Sr. Reimbursement for watch that was damaged by a guard.	40.00	20.00
T-9760-69	Darlyne Mitchell Injured foot on ledge at the Jefferson Liquor Store.	153.80	153.80
T-9874-69	Jeffrey Dennis Ross Damage to car from rocks thrown from lawnmower at State Fair Grounds.	397.58	393.46
T-9877-69	Linn County Sheriff's Dept. Reimbursement for damages to dumbwaiter caused by an elevator inspector.	60.00	60.00
TE-9885-69	Sharon K. & Michael Vice Complications as a result of a 4th degree laceration received during childbirth.	Undetermined	3,600.00
T-9908-69	Teresa McClurg Personal items lost while at Mt. Pleasant MHI.	300.00	150.00
T-9953-69	Lois Naomi Pittman Damage to her car from emissions of the UNI Power Plant.	643.75	300.00
T-9983-69	John Errol Pierce Damage to car parked in State lot by snow removal tractor.	215.52	215.52
T-10107-69	John Preston Daggett Eyeglass lenses were partially melted when a fellow employee's screwdriver shorted on an electrical panel.	60.00	60.00

T-10108-69	Larry Gene Mathers Payment for damages to driveway and garage when patrol car caught on fire.	686.07	686.07
T-10188-69	James M. Oepping Corneal abrasion from an instrument used in examination at the University of Iowa Hospital.	4,000.00	1,550.00
T-10207-69	Ronald D. Hay Personal property lost while in possession of officials at the Men's Reformatory.	115.38	40.00
T-10231-69	Shelley Yvonne Love Eyeglasses were broken by a resident of Woodward State Hospital School.	98.00	50.00
T-10254-69	Mark Paul Vos Clothing lost while in possession of state employees.	142.50	70.00
T-10256-69	Terrence J. O'Hearn Personal property lost when transferred to Fort Madison from the John Bennett Unit.	483.55	200.00
T-10283-69	James H. Harter, Jr. Shirt lost by personnel at the Mt. Pleasant Medium Security Unit.	20.00	10.00
T-10333-69	Timothy Joseph Cox Unattended cart of boxes fell off the loading dock at University of Iowa Hospitals onto claimant's vehicle.	402.45	402.45
T-10346-69	Dale L. Barker Piece of conduit left on driveway of State Penitentiary punctured tire on claimant's vehicle.	75.45	15.00
T-10360-69	Wesley William Wiskus New pants were ripped by nail on under side of a table at the DOT Mason City Office.	35.00	35.00
T-10363-69	Marvin L. Bishop Camper was damaged at Palisades State Park by a lawnmower.	200.00	200.00
T-10368-69	Daniel F. Campbell Rock thrown by lawnmower at Mt. Pleasant MHI hit claimant's car.	57.26	57.26

T-10375-69	Karen K. Houseman Bicycle in bike rack at Woodward State Hospital School was damaged by lawn- mower.	Undetermined	113.25
T-10470-69	Donald Novak Personal property lost during transfers between prison farms and main unit.	395.27	150.00
T-10487-69	Skunk River Farm Crops damaged by cattle belonging to Riverview Release Center.	235.00	235.00
T-10523-69	Elbert Wilson, Jr. Personal items lost by personnel at Fort Madison.	34.85	34.85
T-10470-69	Donald Novak Personal property lost during transfers between prison farms and main unit.	395.27	150.00
T-10471-69	Millie Minhsui Chein Iowa City Damage to vehicle by parking gate at University of Iowa.	129.97	129.87
T-10606-69	Nola Schroeder Cedar Falls Personal property stolen from room at UNI when left unlocked by maintenance personnel.	18.00	18.00

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

Claim Number	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H-896-69-T	Michael F. Flannegan Damage to property from weed spray used nearby by the DOT.	\$40,000.00	\$ 499.74
H-906-69-T	Richard H. Cartens Damage to soybean crop from spraying of weeds in ditches by the DOT.	1,000.00	300.00
H-909-69-T	Stephen C. Smith Replace boots that were ruined by an edgerut machine on the job.	63.74	63.74

H-910-69-T	Ruth R. McKinney Medical expenses and damage to bicycle when front wheel of bicycle caught in a crack of bridge deck.	1,428.65	1,428.65
H-911-69-T	Brooxie Dean Damage to car incurred when claimant hit a hole at the end of a bridge.	135.93	135.93
H-980-69-T	Spencer A. Booth Costs to clean and repaint car that was covered with linseed oil from sealing a bridge.	485.78	300.00
H-1008-69-T	Albert Bertelson Crop loss from flooding caused by U.S. 20 bridge over Allen Creek.	2,959.40	2,959.40
H-1057-69-T	Daniel Thompson Damage to car by object thrown from hand mower on U.S. 63.	61.80	61.80
H-1114-69-T	Kail Brothers Crop damage from DOT spraying operation.	1,518.00	500.00
H-1123-69-T	Wayne Keller Clothing damaged by hot oil when bituminous distributor blew up.	40.00	40.00
H-1142-69-T	Bernadine Shannon & Roger Tempus Corn lost as a result of siltation from DOT grading project.	1,132.20	540.00
H-1144-69-T	Jack D. Miller Damage to exhaust system and gas tank from expansion plate protruding on bridge.	235.02	235.02
H-1151-69-T	Daniel W. Ogren Damage to tire and wheel from expansion plate protruding on bridge.	Undetermined	73.09
H-1152-69-T	Matt Bauer Farms Corp. Trespass on property by the DOT's contractor and removal of more fill material from a borrow area than was planned.	3,500.00	3,000.00
H-1153-69-T	Robert G. Petersen Auto damage caused by road sign blown into traffic lane.	115.78	115.78

H-1154-69-T	Daniel L. Birch Car damage from road oil on Hwy. 141.	135.00	135.00
H-1155-69-T	Rosemary Elizabeth Hillers Car window broken by rock thrown by DOT machinery.	48.10	48.10
H-1174-69-T	George Franklin McNees Fence damaged by DOT grading project personnel.	177.94	62.28
H-1180-69-T	Lucius B. Liddy Fruit trees damaged when DOT sprayed road ditch along Hwy. 6.	600.00	50.00
H-1181-69-T	Claude E. Chapman Fruit trees damaged by herbicide used by DOT adjacent to claimant's property.	400.00	185.00
H-1187-69-T	Katherine C. McDonough Paint splattered on car by DOT painting crew.	177.16	177.16
H-1188-69-T	Rita Kaye Charlson Car damaged by blacktop thrown on Hwy. 69.	500.00	443.34
H-1201-69-T	Richard A. Sulsberger Tractor and pickup tires damaged by rerod sticking out of concrete.	362.25	362.25
H-1210-69-T	Henry Harnisch Car damaged when DOT sign blew over.	260.64	260.64
H-1212-69-T	Bernard G. Kisner Damage to trees from DOT spraying in a nearby ditch.	Undetermined	5,065.86
H-1213-69-T	Hillis Eugene Hampton Property damage due to flooding during construction of I-380.	387.63	387.63
H-1226-69-T	Kenneth L. Crees Property damage from flooding during construction of Hwy. 44.	2,500.00	2,500.00
H-1235-69-T	Wayne D. Borcharding Acre of soybeans destroyed by Dow Tordan 2 K pellets spread along I-35.	324.00	324.00

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

Former Claim No.	Name of Claimant Nature of Claim	Amount of Orig. Claim	Amount Settled
T-4686-68	Duane Jaeger Personal Injury & Property Damages (Judgment)	\$ 455,707.61	\$ 34,000.00
TE-5550-68	Gerald Robinson Property Damage (Settlement)	10,000.00	4,000.00
T-3754-67	Otto G. Zadow Personal Injury (Settlement)	500,000.00	40,000.00
T-4891-68	Kathryn M. Galles Personal Injury (Settlement)	12,000.00	1,750.00
T-6116-69	Timothy LeClair Personal Injury (Settlement)	100,000.00	5,750.00
T-6117-69	William G. & Delores LeClair Personal Injury (Settlement)	10,000.00	1,500.00
TE-4987-68	Richard Forkner Personal Injury	80,000.00	37,750.00
T-4988-68	Richard Forkner Personal Injury	80,000.00	
TE-4989-68	Richard Forkner as next best friend of Ty Michael Alan Forkner Personal Injury	80,000.00	
T-4990-68	Richard Forkner as next best friend of Ty Michael Alan Forkner Personal Injury (Settlement)	80,000.00	
TE-5067-68	James E. Corrigan Personal Injury (Settlement)	10,000.00	1,750.00
T-5133-68	Laurie Marie Rinzler Personal Injury (Settlement)	25,000.00	1,000.00
T-6074-69	Gary John Moe Property Damage (Settlement)	1,743.50	250.00
T-5775-68	Sharon E. Cook Personal Injury (Settlement)	135,000.00	34,500.00

T-4897-68	Dennis P. McGowan Personal Injury (Settlement)	20,000.00	1,250.00
T-9848-69	Vickie L. Phipps Personal Injury (Settlement)	4,000.00	3,000.00
T-9850-69	Susan R. Darling Personal Injury (Settlement)	6,500.00	3,000.00
T-9849-69	Barbara I. Phipps Personal Injury (Settlement)	3,500.00	2,000.00
H-561-68-T	Estate of Eddie Ways, Jr. Personal Injury (Settlement)	700,000.00	15,000.00
H-562-68-T	Marva L. Ways Personal Injury (Settlement)	3,500,000.00	350,000.00
H-577-68-T	Willard James Personal Injury	50,000.00	6,000.00
H-578-68-T	Willard James Personal Injury	150,000.00	
H-579-68-T	Carolyn Jeannette James Personal Injury (Settlement)	75,000.00	
H-372-67-T	Darrell Keith Reynolds Property Damage (Settlement)	2,725.00	2,000.00
H-617-68-T	Delmont Charles Webster (Warrant issued to Edgar F. Delp & Deborah Delp) Personal Injury (Settlement)	30,000.00	500.00
H-755-68-T	Edward E. & Wilma L. Watkins Property Damage (Settlement)	2,379.88	1,680.00
H-902-69-T	Edward L. Block Property Damage (Settlement)	83.79	40.00
H-725-68-T	Donald A. Freiburger, Exec. of the Estate of Patricia Anne Freiburger Wrongful Death (Settlement)	500,000.00	225,000.00

H-395-67-T	Roy Elis Erickson Personal Injury (Settlement)	300,000.00	4,000.00
H-825-69-T	Ann Marie Peterson Personal Injury	500,000.00	5,000.00
H-826-69-T	James Charles Peterson Personal Injury	50,000.00	
H-827-69-T	Anne Marie Peterson & James Charles Peterson as parents of Matthew Peterson Personal Injury	2,500.00	
H-828-69-T	Matthew Peterson, a minor Personal Injury (Settlement) (Warrant issued to Hawkeye Security Ins. Co.)	2,500.00	
H-803-68-T	Merna L. Dobbs Wrongful Death (Settlement)	250,000.00	6,000.00
H-905-69-T	Verdell Charles Fossum Personal Injury & Property Damage (Settlement)	1,000.00	285.00
H-626-68-T	Charles A. Martin Peggy Martin Personal Injury (Settlement)	200,000.00	150,000.00 5,000.00
H-536-68-T	Gary Wandling Personal Injury & Property Damage (Settlement)	25,000.00	7,500.00
H-314-67-T	Franklin County, Iowa (Warrant issued to Paul Schutt) Personal Injury (Settlement)	150,000.00	1,500.00
H-997-69-T	Charles W. Feld Larry R. Feld Agnes Wiedemeyer (Settlement)	2,880.00	400.00 400.00 400.00
H-610-68-T	Louis Schuler, Jr. Personal Injury (Settlement)	15,278.00	3,500.00
H-1150-69-T	Mobile & Casualty Underwriters Property Damages & Personal Injury (Settlement)	19,957.50	5,500.00

H-1026-69-T	Bonnie Armstrong, Exec. of Estate of William R. Armstrong Wrongful Death & Property Damages (Settlement)	762,913.75	5,000.00
T-6069-69	Kathryn M. Fox Personal Injury (Settlement)	10,000.00	6,000.00

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2021	State Government
S. F.	2022	Ways and Means

STUDY BILLS RECEIVED

S.S.B. 2001 Commerce

Authorizes educational agencies to purchase custodial accounts for their employees.

S.S.B. 2002 Commerce

Relating to the definition of the filing date of new or changed rates, charges, schedules, or regulations for purposes of the collection of temporary rates by a rate regulated public utility in connection with a newly constructed electric generating facility.

S.S.B. 2003 Commerce

To authorize and provide for the regulation of the sale of title insurance.

S.S.B. 2004 Commerce

To regulate interest rates on life insurance policy loans.

S.S.B. 2005 Commerce

Specifying rate of interest allowed upon extension, renewal, or amendment of a prior agreement, and taking effect upon publication.

S.S.B. 2006 Commerce

Relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

S.S.B. 2007 Commerce

Relating to the electronic transfer of funds.

S.S.B. 2008 State Government

To establish the board of speech pathology, audiology, and hearing aid dealer examiners, effective January 1, 1983.

S.S.B. 2009 Judiciary

Relating to transferring penitentiary inmates out of state ARC 2349.

S.S.B. 2010 Judiciary

Providing that the cost of continuing education for full-time certified shorthand reporters be paid from money appropriated to the supreme court by the general assembly.

S.S.B. 2011 Judiciary

Relating to bingo licenses and operations.

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: January 13, 1982, 1:30 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: Comito (excused).

Final Bill Action: SENATE FILE 525, a bill for an act relating to the deposit and investment of public funds in insured depository financial institutions.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Holden, Baugher, Deluhery, Craft, DeKoster, Husak and Rush.
Nays, 2: Jensen and Priebe. Absent or not voting, 1: Comito.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 823, a bill for an act relating to the requirements for giving a notice to cure in a consumer credit transaction.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Holden, Baugher, Craft, DeKoster, Husak, Jensen and Priebe.
Nays, 2: Deluhery and Rush. Absent or not voting, 1: Comito.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Gave a list of bills returned to Senators from last session.

Adjourned: 2:10 p.m.

JUDICIARY

Convened: January 12, 1982, 2:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Carr, Coleman, Deluhery, Dreeszen, Lura, Ramsey and Small.

Members Absent: Baugher, Doyle, Murray and Taylor (all excused).

Other Committee Business: Organizational meeting.

Adjourned: 2:20 p.m.

WAYS AND MEANS

Convened: January 12, 1982, 1:35 p.m.

Members Present: Craft, Chair; Rodgers, Ranking Member; Hester, Hultman, Husak, Lura, Priebe, Ramsey, Rush and Van Gilst.

Members Absent: Readinger, Vice Chair; Holden, Junkins (excused), Palmer and Taylor (excused).

Other Committee Business: Assignment of bills from last session.

Adjourned: 1:40 p.m.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:05 p.m., until 9:00 a.m., Thursday, January 14, 1982.

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 14, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

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

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

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, M.D., Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lura for the morning session on request of Senator Hultman.

WITHDRAWN

Senator Tieden asked and received unanimous consent that **Senate File 182** be withdrawn from further consideration of the Senate.

Senator Kudart asked and received unanimous consent that **Senate Files 198 and 204** be withdrawn from further consideration of the Senate.

Senator Hultman asked and received unanimous consent that **Senate File 286** be withdrawn from further consideration of the Senate.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:15 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

President Branstad took the chair at 1:05 p.m.

CONSIDERATION OF RESOLUTION

Senate Resolution 101

On motion of Senator Hultman, Senate Resolution 101, a resolution amending the permanent rules of the Senate, filed January 12, 1982, and found on pages 9-12 of the Senate Journal, was taken up for consideration.

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

RECESS

On motion of Senator Hultman, the Senate recessed at 1:10 p.m., until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2048, by Taylor, a bill for an act to repeal chapter 20 relating to collective bargaining for public employees.

Read first time and passed on file.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 101

Cities
Holden, Chairperson
Comito
Wells

SENATE FILE 141

Labor and Industrial Relations
Gratias, Chairperson
Hulse
Anderson

SENATE FILE 279

Cities
Waldstein, Chairperson
Comito
Kinley

SENATE FILE 282

Cities
Holden, Chairperson
Readinger
Slater

SENATE FILE 327

Cities
Holden, Chairperson
Readinger
Wells

SENATE FILE 422

Cities
Readinger, Chairperson
Holden
Wells

SENATE FILE 429

Agriculture
Husak, Chairperson
Hester
Dreeszen

SENATE FILE 449

Natural Resources
Tieden, Chairperson
Van Gilst
Rodgers

SENATE FILE 105

Agriculture
Waldstein, Chairperson
Vande Hoef
Husak

SENATE FILE 205

Cities
Kinley, Chairperson
A. Miller
Waldstein

SENATE FILE 281

Cities
Holden, Chairperson
Readinger
Slater

SENATE FILE 312

Energy
Readinger, Chairperson
Rodgers
Ramsey

SENATE FILE 374

Cities
Carney, Chairperson
Comito
Kinley

SENATE FILE 424

Cities
Kinley, Chairperson
Slater
Wells

SENATE FILE 430

Education
Brown, Chairperson
Wells
Jensen

SENATE FILE 450

Natural Resources
Rodgers, Chairperson
Van Gilst
Goodwin

SENATE FILE 451

Natural Resources
Tieden, Chairperson
Van Gilst
Rodgers

SENATE FILE 470

Education
Small, Chairperson
Taylor
Dreeszen

SENATE FILE 502

Natural Resources
Tieden, Chairperson
Gentleman
Goodwin
Hutchins
Van Gilst

SENATE FILE 504

Natural Resources
Gentleman, Chairperson
Gallagher
Schwengels

SENATE FILE 510

Agriculture
Vande Hoef, Chairperson
A. Miller
Taylor

SENATE FILE 525

Commerce
DeKoster, Chairperson
Craft
Rush

SENATE FILE 2002

Judiciary
Ramsey, Chairperson
Murray
DeKoster
Doyle
Rush

SENATE FILE 465

Labor and Industrial Relations
Anderson, Chairperson
Carney
Goodwin

SENATE FILE 486

Energy
Bisenius, Chairperson
Ramsey
Gallagher
Kudart
Rodgers

SENATE FILE 503

Natural Resources
Hutchins, Chairperson
Goodwin
Kudart

SENATE FILE 505

Cities
Readinger, Chairperson
Kinley
Wells

SENATE FILE 521

Education
Taylor, Chairperson
Dreeszen
DeKoster
Anderson
Wells

SENATE FILE 578

Cities
Holden, Chairperson
Readinger
A. Miller

SENATE FILE 2003

Judiciary
Doyle, Chairperson
Murray
Lura

SENATE FILE 2010

Judiciary
Baugher, Chairperson
Coleman
Dreeszen

SENATE FILE 2014

Judiciary
Kudart, Chairperson
Rush
Ramsey

**SENATE CONCURRENT
RESOLUTION 39**

Rules and Administration
Hultman, Chairperson
Junkins
Hulse

HOUSE FILE 396

Natural Resources
Goodwin, Chairperson
Tieden
Rodgers

HOUSE FILE 738

Natural Resources
Kudart, Chairperson
Gentleman
Hutchins

HOUSE FILE 764

Cities
Carney, Chairperson
Readinger
Wells

HOUSE FILE 774

Energy
Bisenius, Chairperson
Ramsey
Gallagher
Kudart
Rodgers

HOUSE FILE 807

Education
Carney, Chairperson
Wells
Dreeszen

SENATE FILE 2013

Education
Gratias, Chairperson
Jensen
Wells

SENATE FILE 2016

Education
Brown, Chairperson
Carney
Dreeszen

HOUSE FILE 53

Agriculture
Dreeszen, Chairperson
Hutchins
Taylor

HOUSE FILE 444

Education
Anderson, Chairperson
DeKoster
Jensen

HOUSE FILE 759

Cities
Comito, Chairperson
Wells
Carney

HOUSE FILE 772

Natural Resources
Goodwin, Chairperson
Van Gilst
Kudart

HOUSE FILE 800

Cities
Readinger, Chairperson
Slater
Carney

HOUSE FILE 823

Commerce
Baugher, Chairperson
Craft
Husak

HOUSE FILE 856

Judiciary
 Ramsey, Chairperson
 Murray
 Deluhery

HOUSE FILE 877

Natural Resources
 Van Gilst, Chairperson
 Goodwin
 Schwengels

**HOUSE CONCURRENT
RESOLUTION 15**

Rules and Administration
 Hultman, Chairperson
 Junkins
 Hulse

SSB 424

Appropriations
 Hultman, Chairperson
 Murray
 Slater

HOUSE FILE 857

Judiciary
 Doyle, Chairperson
 Murray
 Deluhery

**HOUSE CONCURRENT
RESOLUTION 2**

Rules and Administration
 Hultman, Chairperson
 Junkins
 Hulse

**HOUSE CONCURRENT
RESOLUTION 35**

Rules and Administration
 Hultman, Chairperson
 Junkins
 Hulse

**REPORT OF THE COMMITTEE
ON RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to **standing committees** for investigation on January 14, 1982:

Director of Energy Policy—Robert F. Tyson—Energy

Iowa Housing Finance Authority—Elizabeth A. Colby—State Government

Iowa Railway Finance Authority—George F. Davison, Jr.—Transportation

Transportation Regulation Board—Mark A. Wampler—Transportation

Superintendent of Transportation Regulation Authority—
 Conrad A. Amend—Transportation

Iowa Civil Rights Commission—Paul Murphy—Judiciary

State Board of Parole—Leroy H. Park—Judiciary

State Board of Parole—James E. Gritzner—Judiciary

Environmental Quality Commission—Keith E. Uhl—Natural Resources

CALVIN O. HULTMAN, Chair

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2023	Judiciary
S. F.	2024	Ways and Means
S. F.	2025	State Government
S. F.	2026	State Government
S. F.	2027	Judiciary
S. F.	2028	Natural Resources
S. F.	2029	State Government
S. F.	2030	Labor and Industrial Relations
S. F.	2031	State Government
S. F.	2032	State Government
S. F.	2033	Labor and Industrial Relations
S. F.	2034	Judiciary
S. F.	2035	State Government
S. F.	2036	Ways and Means
S. F.	2037	Natural Resources
S. F.	2038	Judiciary
S. F.	2039	Labor and Industrial Relations
S. F.	2040	Judiciary
S. F.	2041	Education
S. F.	2042	Commerce
S. F.	2043	Natural Resources
S. F.	2044	Judiciary
S. F.	2045	Judiciary
S. F.	2046	State Government
S. F.	2047	Transportation

STUDY BILLS RECEIVED

S.S.B. 2012 Commerce

Relating to the establishment, management, operation and regulation of savings and loan associations.

S.S.B. 2013 Ways and Means

To disallow the deduction of the federal windfall profits taxes in computing income tax.

S.S.B. 2014 Ways and Means

Relating to taxes owed the state, by providing that registered out-of-state retailers who collect more than \$1,500.00 per month make monthly deposits of the tax and providing for penalty and interest for delinquent monthly deposits.

S.S.B. 2015 Commerce

Relating to a life insurance company's investment of funds for legal reserve purposes.

**SUBCOMMITTEE ASSIGNMENTS FOR
GOVERNOR'S APPOINTMENTS**

In accordance with Senate Rule 58, the following Senators were appointed to subcommittees of standing committees:

JUDICIARY: As a member of the Iowa Civil Rights Commission:

PAUL MURPHY
Deluhery, Chair
Lura
Carr

JUDICIARY: As a member of the State Board of Parole:

LEROY H. PARK
Baugher, Chair
Doyle
Murray

ENERGY: As Director of Energy Policy:

ROBERT F. TYSON
Kudart, Chair
Readinger
Anderson

STATE GOVERNMENT: As a member of the Iowa Housing Finance Authority:

ELIZABETH A. COLBY
Hutchins, Chair
Lura
Gentleman

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 13, 1982, 9:30 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen, Hutchins and Nystrom.

Members Absent: none.

Other Committee Business: Organizational meeting.

Adjourned: 9:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 13, 1982, 9:47 a.m.

Members Present: Husak, Ranking Member; Readinger and Kudart.

Members Absent: Yenger, Chair (excused) and A. Miller.

Other Committee Business: Organizational meeting.

Adjourned: 9:59 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 13, 1982, 9:45 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Organizational meeting.

Adjourned: 9:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 13, 1982, 9:40 a.m.

Members Present: Jensen, Chair; Rush, Ranking Member; Gratias, Hulse and C. Miller.

Members Absent: none.

Other Committee Business: Organizational meeting; distributed supplemental budget requests; reviewed rules; discussed agenda for this session.

Adjourned: 9:43 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 13, 1982, 9:45 a.m.

Members Present: Waldstein, Chair; and Vande Hoef.

Members Absent: Slater, Ranking Member; Craft (excused), and Brown.

Other Committee Business: Organizational meeting; Tim Faller, LFB, distributed hearing schedule for meetings.

Adjourned: 9:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 13, 1982, 9:40 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Lura, Taylor and Wells.

Members Absent: none.

Other Committee Business: Discussed budget hearings.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 13, 1982, 9:50 a.m.

Members Present: Bisenius, Chair; Coleman, Ranking Member; Drake and Holden.

Members Absent: Anderson (excused).

Other Committee Business: Organizational meeting.

Adjourned: 10:00 a.m.

CITIES

Convened: January 13, 1982, 3:00 p.m.

Members Present: Readinger, Chair; A. Miller, Ranking Member; Carney, Holden, Wells and Waldstein (arrived 3:05 p.m.)

Members Absent: Comito, Vice Chair; Slater and Kinley (all excused).

Other Committee Business: Introduced House Files 759 and 800 to committee and assigned subcommittees; reassigned bills to subcommittees.

Adjourned: 3:15 p.m.

ENERGY

Convened: January 13, 1982, 1:37 p.m.

Members Present: Ramsey, Chair; Bisenius, Vice Chair; Gallagher, Ranking Member; Briles, Doyle, Kudart, Readinger and Rodgers.

Members Absent: Anderson and Yenger (both excused).

Other Committee Business: Senate Files 226, 353 and 373 returned to subcommittees; Senate Files 312 and 486 and House File 774 assigned to subcommittees; discussed recommendations on Energy from the Governor's Condition of the State Message.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: January 13, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: none.

Other Committee Business: Announced assignment of bills; discussed rules and procedure.

Adjourned: 3:25 p.m.

NATURAL RESOURCES

Convened: January 13, 1982, 2:30 p.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers.

Members Absent: none.

Other Committee Business: Announced subcommittee assignments.

Adjourned: 2:50 p.m.

RULES AND ADMINISTRATION

Convened: January 14, 1982, 8:35 a.m.

Members Present: Hultman, Chair; Hulse, Vice Chair; Holden, Junkins and Ramsey.

Members Absent: Kinley, Ranking Member.

Final Bill Action: HOUSE CONCURRENT RESOLUTION 38, a resolution honoring Code Editor Wayne Faupel for 50 years of service to the state of Iowa.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned gubernatorial appointments to committees; approved employment schedule; set overtime policy.

Adjourned: 8:55 a.m.

WAYS AND MEANS

Convened: January 14, 1982, 1:45 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush and Taylor.

Members Absent: Van Gilst.

Final Bill Action: SENATE FILE 560, a bill for an act relating to the imposition of local option income surtax, earnings tax, or vehicle tax by a city or county and providing for penalties.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 8: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Junkins and Ramsey. Nays, 5: Husak, Lura, Palmer, Priebe and Taylor. Absent or not voting, 1: Van Gilst. Voting Present, 1: Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 574, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property and exempting trades of vehicles subject to registration for other vehicles of equal or lesser value.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush and Taylor. Nays, none. Absent or not voting, 1: Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 579, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Junkins, Lura, Palmer, Priebe, Ramsey, Rush and Taylor. Nays, none. Absent or not voting, 2: Van Gilst and Husak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 846, a bill for an act relating to regulatory activities of the department of insurance and the fees payable by persons subject to such regulation.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush and Taylor. Nays, none. Absent or not voting, 1: Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:13 p.m.

AMENDMENT FILED

S-5001

S. F.

474

Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:05 p.m., until 10:00 a.m., Monday, January 18, 1982.

JOURNAL OF THE SENATE

EIGHTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 18, 1982

The Senate met in regular session at 10:03 a.m., President Branstad presiding.

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

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

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Timothy J. Vermillion, D.O., Resident at Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kudart for the morning session and Senators Grattias, Murray and Yenger for the day on request of Senator Hultman; Senator Van Gilst for the day on request of Senator Junkins.

WITHDRAWN

Senator Junkins asked and received unanimous consent that **Senate Resolution 16** be withdrawn from further consideration of the Senate.

COMMUNICATIONS

Senator Drake asked and received unanimous consent that the following communications be printed in the Senate Journal:

IOWA RAILWAY FINANCE AUTHORITY POLICY January 1, 1982

The transportation goal for Iowa is to provide adequate, safe, and efficient transportation services to the public.

- GOAL** The goal for the Iowa Railway Finance Authority is to preserve and improve necessary railway transportation facilities and services for public use in full cooperation with the Iowa Department of Transportation.
- POLICY** The Iowa Railway Finance Authority will:
- A. General**
1. Promote an economically viable railway transportation network to satisfy user needs and maximize economic, energy, and social benefits for Iowa citizens.
 2. Encourage ownership and control of railway facilities by the private sector to the maximum extent practicable.
- B. Directions**
1. Assess the economic, financial, and social viability and desirability of all proposed railway transportation improvement programs to determine if they are worthy of Authority support.
 2. Assist in the construction, rehabilitation, and repair of essential railway facilities.
 3. Encourage the investment of private capital in the maintenance and improvement of railway services and facilities.
 4. Assist the private sector in securing public or private funding for financing essential railway facility and service improvements.
 5. Conduct its activities consistent with the policy, plans, and responsibilities of the Iowa Department of Transportation.

TRANSPORTATION [820]
DEPARTMENT OF
Article A
07 MOTOR VEHICLE DIVISION

PREAMBLE:

Pursuant to the decision rendered by the Supreme Court of The United States in the case of "Kassel, Director of Transportation, et al V. Consolidated Freightways Corporation of Delaware" No. 79-1320, which directed that Iowa allow the operation of sixty-five foot twin-trailer truck combinations on the Iowa Interstate System and within five miles thereof, the Transportation Commission has elected to adopt the following rule in response to this issue under its authority contained in Section 307.10, Subsection 5, Code of Iowa, 1981. The pertinent portion of this subsection is as follows:

"Sec. 307.10, Sub. 5, Code of Iowa, 1981 . . . The transportation commission shall also adopt rules, which rules shall be exempt from the provisions of chapter 17A, governing the length of vehicles and combinations of vehicles which are subject to the limitations imposed under section 321.457. The commission may adopt such rules which permit vehicles and combinations of vehicles in excess of the length limitations imposed under section 321.457, but not exceeding sixty-five feet in length, which may be moved on the highways of this state. Any such proposed rules shall be submitted to the general assembly within five days following the convening of a regular session of the general assembly. The general assembly may approve or disapprove the rules submitted by the commission not later than sixty days from the date such rules are submitted and, if approved or no action is taken by the general assembly on the proposed rules, such rules shall become effective May 1 and thereafter all laws in conflict therewith shall be of no further force and effect."

Chapter 1

Motor Vehicle Operation of General Applicability

820-[07,A]1.1(321) Maximum length of twin trailer trucks. A truck tractor, semi-trailer and trailer combination may be operated at a maximum length of sixty-five feet, inclusive of front and rear bumpers, within the State of Iowa on the following specified highways.

1.1(1) The Interstate System and for a distance not to exceed five miles on other roads furnishing reasonable access between said Interstate System and terminals and facilities for fuel, food, repairs, or rest.

1.1(2) Other highways, designated by Iowa Transportation Commission action, subsequent to public hearings, with due consideration given to the condition of the proposed highways, including but not limited to pavement width, roadway geometrics, structural condition, traffic accident rates, and the volume and type of traffic thereon.

HOUSE AMENDMENTS CONSIDERED

Senate File 213

Senator Briles called up for consideration Senate File 213, a bill for an act relating to the members of the Iowa beer & liquor control council, amended by the House, and moved that the Senate concur in House amendment S-3901 filed May 22, 1981.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 213) the vote was:

Ayes, 6:

Baughner	Deluhery	Readinger	Rush
Small	Waldstein		

Nays, 36:

Anderson	Bisenius	Briles	Brown
Carney	Coleman	Comito	Craft
DeKoster	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Ramsey	Rodgers	Schwengels
Taylor	Tieden	Vande Hoef	Wells

Absent or not voting, 8:

Carr	Gratias	Kudart	Murray
Priebe	Slater	Van Gilst	Yenger

The motion lost and the Senate **refused to concur** in the House amendment.

Senate File 511

Senator Doyle called up for consideration Senate File 511, a bill for an act relating to enforcement of judgment liens against homestead property and subsequently acquired property to take effect January 1 following enactment, amended by the House, and moved that the Senate concur in House amendment S—3902 filed May 22, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Doyle moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 511) the vote was:

Ayes, 41:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Comito	Craft

DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells			

Nays, none.

Absent or not voting, 9:

Bisenius	Carr	Gallagher	Gratias
Kudart	Murray	Priebe	Van Gilst
Yenger			

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

Senate File 522

Senator Slater called up for consideration Senate File 522, a bill for an act to require that the department of public instruction and the area education agencies encourage schools to offer programs for gifted and talented children, amended by the House, and moved that the Senate concur in House amendment S—3903 filed May 22, 1981.

Senator Jensen offered amendment S—5002 filed by him from the floor to House amendment S—3903.

Senator Slater raised the point of order that amendment S—5002 was not germane to House amendment S—3903.

The Chair ruled the point well taken and amendment S—5002 out of order because it amended the bill instead of the House amendment.

Senator Slater moved that the Senate concur in House amendment S—3903.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Slater moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 522) the vote was:

Ayes, 38:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Gallagher	Goodwin	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Tieden
Vande Hoef	Wells		

Nays, 4:

Dreeszen	Jensen	Taylor	Waldstein
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Absent or not voting, 8:

Carr	Gentleman	Gratias	Kudart
Murray	Priebe	Van Gilst	Yenger

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

RECESS

On motion of Senator Hultman, the Senate recessed at 11:20 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2049, by Holden, a bill for an act relating to the carry-back of net operating losses in computing net income for purposes of the state franchise tax.

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

Senate File 2050, by Anderson, a bill for an act relating to the procedure for filing sales tax returns by retailers collecting two hundred fifty dollars or less monthly.

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

Senate File 2051, by Taylor, a bill for an act relating to the procedure for the sale of property not needed for road purposes by the use of sealed bids by the agency in control of the land.

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

Senate File 2052, by Taylor, a bill for an act providing for the valuation and assessment of computers and industrial machinery and equipment including a phaseout of property taxes on computers and industrial machinery and equipment.

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

Senate File 2053, by Brown, a bill for an act regulating the pre-need sales of funeral and cemetery goods or services and providing penalties, to be effective January 1.

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

Senate File 2054, by Taylor, a bill for an act exempting machinery used in manufacturing establishments and acquired on or after January 1, 1983 from assessment and valuation for property tax purposes.

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

WITHDRAWN

Senator Brown asked and received unanimous consent that **Senate File 164** be withdrawn from further consideration of the Senate.

Senator Gratiis asked and received unanimous consent that **Senate File 141** be withdrawn from further consideration of the Senate.

APPENDIX**BILL ASSIGNED TO COMMITTEE**

President Branstad announced the assignment of the following bill to committee:

S. F. 2048 Labor and Industrial Relations

COMMUNICATIONS

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

DEPARTMENT OF HEALTH

A copy of the Report to the Iowa General Assembly regarding Homemaker Home Health Aide Service prepared by the Department of Health, in cooperation with the Department of Social Services and the Commission on the Aging, pursuant to Chapter 5 and Chapter 7, 1981 Acts of the Sixty-ninth General Assembly.

Copies are available to members of the Senate upon request from the Secretary's office.

STATE BOARD OF REGENTS

A copy of the Board of Regents Ten-Year Building Program, pursuant to Sec. 262A.3, Code 1981.

DEPARTMENT OF SOCIAL SERVICES

Copies of the following reports filed by the Department of Social Services:

Pursuant to Chapter 7, Sec. 8, 1981 Acts of the Sixty-ninth General Assembly, a report on County Workfare.

Pursuant to Chapter 11, Sec. 3, sub. 7, a report on Centralized Inmate Classification System.

Pursuant to Chapter 11, Sec. 7, 1981 Acts of the Sixty-ninth General Assembly, a report on Funding Mechanism for Community-Based Mental Health and Mental Retardation Services.

Copies are available to members of the Senate upon request.

The following communications have been received and placed on file in the office of the Lieutenant Governor:

DEPARTMENT OF PUBLIC INSTRUCTION

A copy of the Department of Public Instruction's Report and Recommendations to the 1982 Session of the Sixty-ninth General Assembly, pursuant to Sec. 257.10(9), Code 1981.

IOWA STATE COMMERCE COMMISSION

A copy of the report prepared by the Commerce Commission regarding advertising costs of public utilities pursuant to Chapter 156, 1981 Acts of the Sixty-ninth General Assembly.

SUBCOMMITTEE ASSIGNMENTS FOR
GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, the following Senators were appointed to subcommittees of standing committees:

NATURAL RESOURCES: As a member of the Environmental Quality Commission:

KEITH E. UHL
Kudart, Chair
Gentleman
Hutchins

TRANSPORTATION: As a member of the Iowa Railway Finance Authority:

GEORGE F. DAVISON, Jr.
Drake, Chair
Jensen
Coleman

TRANSPORTATION: As Superintendent of the Transportation Regulation Authority:

CONRAD A. AMEND
Drake, Chair
Jensen
Coleman

TRANSPORTATION: As a member of the Transportation Regulation Board:

MARK W. WAMPLER
Drake, Chair
Jensen
Coleman

STUDY BILLS RECEIVED

S.S.B. 2016 State Government

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

S.S.B. 2017 State Government

Relating to requirements for real estate brokers.

S.S.B. 2018 County Government

Relating to development of legislation to provide tax incentives for land established as and used for wildlife habitat.

S.S.B. 2019 County Government

Urging greater federal funding emphasis on repair and reconstruction of bridges and highways; funding authorizations for non-interstate highway programs increased to level sufficient to offset inflation; and federal design standards relaxed to permit more efficient utilization of the state's limited program resources without adversely affecting safety.

S.S.B. 2020 County Government

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

S.S.B. 2021 County Government

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

S.S.B. 2022 County Government

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

S.S.B. 2023 County Government

Relating to expenditures for assessment appeals.

S.S.B. 2024 Judiciary

Amending the schedule of controlled substances.

S.S.B. 2025 Ways and Means

Relating to the gross receipts from sales of linotype, lithographic-offset plates, photoengraved plates, engravings, negatives, color separations, typesetting or any other base material used as a carrier for light-sensitive emulsions.

S.S.B. 2026 Ways and Means

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

S.S.B. 2027 Ways and Means

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

S.S.B. 2028 Ways and Means

Relating to the increase of the excise tax on gasohol.

S.S.B. 2029 Ways and Means

Relating to the sales, services and use tax on communication services by providing that the tax applies to communication services occurring partly without the state if it is transmitted from or received in the state and taxation of cable television services, and the installation repair and disconnection thereof.

S.S.B. 2030 Ways and Means

Amending Section 422.26 of the code regarding the filing of tax liens.

S.S.B. 2031 Ways and Means

Relating to the collection of delinquent taxes from persons and corporations located outside Iowa.

S.S.B. 2032 Ways and Means

Relating to penalties for violations of the motor vehicle fuel tax, state withholding tax, corporation income tax, use tax and additional property tax relief for elderly and disabled laws.

S.S.B. 2033 Ways and Means

Relating to the cancellation of motor vehicle fuel tax licenses and the establishment of a waiting period before a license can be reissued or reinstated.

S.S.B. 2034 Ways and Means

Relating to taxes owed to the state, and providing for penalty and interest for unpaid or delinquent cigarette and tobacco tax owed to the state and the time period in which a hearing must be held.

S.S.B. 2035 Ways and Means

Relating to the use taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

S.S.B. 2036 Ways and Means

Providing for a variable rate for the underpayment penalty on estimated payments for corporate income and franchise tax.

S.S.B. 2037 Ways and Means

Relating to the apportionment of net income for purposes of the corporate income tax, effective upon publication retroactive to January 1, 1981.

S.S.B. 2038 Ways and Means

Relating to the apportionment of business income for corporation income tax purposes.

S.S.B. 2039 Ways and Means

Relating to the examination and appointment of deputy assessors.

S.S.B. 2040 Commerce

Relating to the regulation of insurance companies.

S.S.B. 2041 Commerce

Relating to the limitation on garnishment.

S.S.B. 2042 Commerce

Relating to lending practices, security for loans and interest rates which may be charged on loans and credit sales, effective upon publication.

S.S.B. 2043 Judiciary

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

S.S.B. 2044 Judiciary

Relating to increasing the penalty for attempted murder from a class "C" to a class "B" felony.

S.S.B. 2045 Judiciary

Relating to the penalty for murder in the second degree.

S.S.B. 2046 Judiciary

Relating to restitution by public offenders.

S.S.B. 2047 Judiciary

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

S.S.B. 2048 Judiciary

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

S.S.B. 2049 Judiciary

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

S.S.B. 2050 Judiciary

Providing for the compensation of innocent victims of criminal acts, and providing penalties for fraudulent claims.

S.S.B. 2051 Commerce

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

S.S.B. 2052 County Government

Redistricting the burning of vegetation within rights-of-way of public roads and other public land and to provide a penalty for violations.

S.S.B. 2053 Commerce

To expand the deposit base on the limitation for acquisition by a bank holding company.

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

Convened: January 14, 1982, 9:25 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen and Hutchins.

Members Absent: Nystrom.

Other Committee Business: Supplemental budget presentations by Willis Ann Wolff, College Aid Commission and John Taylor, Commission for the Blind.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 14, 1982, 9:40 a.m.

Members Present: Husak, Ranking Member; Kudart, Readinger and A. Miller.

Members Absent: Yenger, Chair (excused).

Other Committee Business: Overview of federal block grants and presentation by Regional HHS representatives.

Adjourned: 12:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 14, 1982, 9:35 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Presentation by the Department of Environmental Quality of supplemental budget requests.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 14, 1982, 9:20 a.m.

Members Present: Jensen, Chair; Rush, Ranking Member; Gratias, Hulse and C. Miller.

Members Absent: none.

Other Committee Business: Supplemental budget hearings; members of Engineering Examiners, Insurance Department and Iowa Beer and Liquor Control Department appeared before the committee and presented supplemental budgets; discussion followed.

Adjourned: 11:38 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 14, 1982, 9:35 a.m.

Members Present: Waldstein, Chair; Brown, Craft and Vande Hoef.

Members Absent: Slater, Ranking Member (excused).

Other Committee Business: Mr. Kemp, Regional Director, gave presentation on federal changes in social programs; Sandy Scott, Roger Herr and Don Kassar, Division of Community Services, DSS, reviewed AFDC '82, Shelter Assistance '82 and State Supplementary Assistance '82.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 14, 1982, 9:30 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Lura, Taylor and Wells.

Members Absent: none.

Other Committee Business: Bureau of Labor supplemental budget presentation.

Adjourned: 10:35 a.m.

EDUCATION

Convened: January 14, 1982, 12:05 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, Dreeszen, Jensen and Wells.

Members Absent: DeKoster, Small and Taylor.

Other Committee Business: Distributed interim study reports concerning funding and mandates; assigned bills to subcommittees.

Adjourned: 12:10 p.m.

HUMAN RESOURCES

Convened: January 14, 1982, 1:45 p.m.

Members Present: Gentleman, Chair; C. Miller, Ranking Member; Carr, Coleman, Gratias, Hulse, A. Miller, Nystrom and Vande Hoef.

Members Absent: Yenger, Vice Chair (excused); Drake and Slater (excused).

Other Committee Business: Organization and subcommittee assignments.

Adjourned: 1:52 p.m.

STATE GOVERNMENT

Convened: January 14, 1982, 2:36 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Briles, Carr, Craft, Gallagher, C. Miller, Palmer, Schwengels, Tieden and Drake.

Members Absent: Slater, Ranking Member; Gentleman and Hutchins.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:42 p.m.

STATE GOVERNMENT

Convened: January 18, 1982, 1:35 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member (arrived 1:40 p.m.); Briles, Carr, Craft, Drake, Gallagher, Hutchins (arrived 1:45 p.m.), C. Miller, Palmer, Schwengels and Tieden.

Members Absent: Gentleman.

Final Bill Action: SENATE FILE 270, a bill for an act relating to extending the hours for the sale or dispensing of alcoholic liquor and beer on Sunday.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Lura, Slater, Briles, Carr, Craft, Gallagher, Hutchins, C. Miller, Palmer and Tieden. Nays, 2: Drake and Schwengels. Absent or not voting, 1: Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 315, a bill for an act to require occupational licensing boards to provide certain information to applicants requesting information.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 329, a bill for an act allowing a licensing board to request an audit of a continuing education program.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Palmer, Schwengels and Tieden. Nays, 1: C. Miller. Absent or not voting, 2: Slater and Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 441, a bill for an act to require hospital and health care facility administrators to cause patients or residents to be asked if they desire an absentee ballot.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Lura, Slater, Briles, Carr, Drake, Gallagher, Hutchins, C. Miller, Palmer and Schwengels. Nays, 2: Craft and Tieden. Absent or not voting, 1: Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 783, a bill for an act relating to the licensing and examining boards including the board of medical examiners and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Lura, Slater, Briles, Craft, Drake, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, 2: Carr and Gallagher. Absent or not voting, 1: Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:00 p.m.

AMENDMENT FILED

S—5002 S. F. 522 John W. Jensen

ADJOURNMENT

On motion of Senator Nystrom, the Senate adjourned at 4:05 p.m., until 9:00 a.m., Tuesday, January 19, 1982.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 19, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

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

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

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R.L. Bendixen, M.D., Denison, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Yenger and Murray for the day on request of Senator Hultman.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:05 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 19, 1982, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 102

By: Pope and Avenson

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

Page 2

1 Historical Society of the Iowa state historical
2 department.

This resolution was read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 2055, by Craft, 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.

Senate Joint Resolution 2001, by Comito, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to reject acts of the general assembly by referendum.

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

WITHDRAWN

Senator Slater asked and received unanimous consent that **Senate File 222** be withdrawn from further consideration of the Senate.

APPENDIX

COMMUNICATION

The following communication was filed with the Secretary of the Senate on January 15, 1982:

January 14, 1982

Ms. K. Marie Thayer
Secretary of the Senate
Statehouse
LOCAL

Dear Ms. Thayer:

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

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

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

Very truly yours,
MAURICE E. BARINGER
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

K. MARIE THAYER
Secretary of the Senate

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
10515-69-25	Comprehensive Systems, Inc. Charles City, Iowa Outdated Title XIX claims	\$ 746.59	Disapproved
10558-69-25	Leo A. Dvorsky Oelwein, Iowa Medical transportation claim	687.60	Disapproved

10597-69-25	Mary Josephine West Tempe, Arizona Registration refund	19.25	Disapproved
10618-69-25	Wilden Clinic Des Moines, Iowa Outdated Title XIX claim	114.00	Disapproved
10642-69-25	Midwest Intercity Ambulance Sioux City, Iowa Outdated Title XIX claim	448.75	Disapproved

SUBCOMMITTEE ASSIGNMENT FOR GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 58, the following Senators were appointed to a subcommittee of a standing committee:

JUDICIARY: As a member of the State Board of Parole:

JAMES E. GRITZNER
Kudart, Chair
Taylor
Small

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2049	Ways and Means
S. F.	2050	Ways and Means
S. F.	2051	Transportation
S. F.	2052	Ways and Means
S. F.	2053	State Government
S. F.	2054	Ways and Means

STUDY BILLS RECEIVED

S.S.B. 2054 Natural Resources

To appropriate funds to initiate a water resources data bank.

S.S.B. 2055 Natural Resources

Providing for the termination of a water withdrawal permit for nonuse.

S.S.B. 2056 Transportation

Providing for a phase-out of the existing gasohol fuel tax exemption.

S.S.B. 2057 Judiciary

Relating to the compensation of shorthand reporters who are employed on an emergency basis.

S.S.B. 2058 State Government

Relating to establishing a state employee suggestion system.

S.S.B. 2059 State Government

Making technical corrections to descriptions of legislative districts effective for the 1982 general election.

S.S.B. 2060 Education

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

S.S.B. 2061 Education

Relating to the publication of financial transactions of school districts.

S.S.B. 2062 Education

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

S.S.B. 2063 Education

Permitting school districts to charge fees for extracurricular activities.

S.S.B. 2064 Education

Authorizing a property tax levy by school districts for a cash reserve.

S.S.B. 2065 State Government

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

S.S.B. 2066 Agriculture

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

S.S.B. 2067 Transportation

Relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

S.S.B. 2068 Natural Resources

Relating to standards for water well construction and pumping equipment installation; to the certification and regulation of contractors involved in these fields and to provide penalties, making an appropriation and having a delayed effective date of July 1, 1983 for some provisions.

S.S.B. 2069 Cities

Relating to city civil service and incorporating a penalty, with a January 1 effective date.

S.S.B. 2070 Labor and Industrial Relations

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

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: January 18, 1982, 3:00 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, Husak and Jensen.

Members Absent: DeKoster, Priebe and Rush.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 3:10 p.m.

JUDICIARY

Convened: January 19, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Small and Taylor.

Members Absent: Murray and Ramsey.

Final Bill Action: SENATE FILE 488, a bill for an act authorizing the department of social services to establish a sales bonus program for the sale of prison industry products.

Recommendation: DO PASS.

Final Vote: Ayes, 9: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle and Dreeszen. Nays, none. Absent or not voting, 5: Lura, Murray, Ramsey, Small and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 857, a bill for an act to legalize the proceedings of the city council and city engineer of the city of Cresco, Iowa, relating to the execution of a certain contract.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Baugher, Coleman, Deluhery, Doyle, Dreeszen, Lura, Small and Taylor. Nays, 4: DeKoster, Kudart, Rush and Carr. Absent or not voting, 2: Murray and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:30 p.m.

AMENDMENT FILED

S—5003 S. F. 144 Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:05 p.m., until 9:00 a.m., Wednesday, January 20, 1982.

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 20, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Richard Houg, pastor of the First Baptist Church, Eldora, Iowa.

The Journal of Tuesday, January 19, 1982, was approved.

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 2056, by Miller of Des Moines, a bill for an act requiring loaded farm trailers to be equipped with brakes and making penalties applicable.

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

Senate File 2057, by Waldstein, a bill for an act relating to the erection and maintenance of partition fences.

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

Senate File 2058, by Comito and Baugher, a bill for an act providing that interest earned on deposits in certain financial institutions is not subject to Iowa income tax, effective January 1 following enactment.

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

Senate File 2059, by Taylor and Nystrom, a bill for an act exempting the sales of tickets or admissions to events sponsored by merged area educational institutions from the state sales, services, and use tax.

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

Senate File 2060, by Priebe, a bill for an act relating to the use of vehicles used as school buses for fifteen or fewer pupils.

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

BILL REFERRED TO COMMITTEE

Senator Nystrom asked and received unanimous consent that **Senate File 441** be referred from the Regular Calendar to the committee on **State Government**.

WITHDRAWN

Senator Gentleman asked and received unanimous consent that **Senate File 534** be withdrawn from further consideration of the Senate.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:12 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2061, by Baugher, Dreeszen, Vande Hoef, Waldstein, Gratias, Tieden, Lura, Priebe, Junkins, Ramsey, Miller of Des Moines, Bisenius, Nystrom, Briles and Schwengels, a bill for an act relating to mandatory restitution by defendants in criminal actions, and providing for administration of restitution plans, and providing sanctions for willful failures to comply with restitution orders.

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

Senate File 2062, by Baugher, a bill for an act to provide an award of fees and other expenses to a prevailing party other than the state in certain civil actions in which this state is a party.

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

Senate File 2063, by Brown, a bill for an act to authorize the board of directors of a school district to levy a tax and accept gifts and donations for activities costs commencing with the school year beginning July 1, 1982.

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

Senate File 2064, by Brown, a bill for an act to provide for attendance of pupils in public schools outside the district of residence of the pupil and the payment of costs.

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

Senate File 2065, by Waldstein, a bill for an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

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

Senate File 2066, by Kinley, a bill for an act relating to lotteries by providing for a state lottery, an agency to oversee lottery operations, a state lottery fund for the deposit of receipts and for the payment of prizes and expenses, licensing of lottery ticket sales agents, administrative procedures necessary in carrying out the intent of the Act, making certain acts illegal, and providing a penalty for their commission, and providing that revenue generated shall be distributed to the cities and counties of the state for property tax relief.

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

Senate File 2067, by Taylor, a bill for an act relating to transfers of funds by area schools.

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

Senate File 2068, by Taylor and Nystrom, a bill for an act relating to payment of expenses by boards of directors of merged areas.

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

Senate File 2069, by Hulse, a bill for an act repealing the continuing professional and occupational education law.

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

Senate File 2070, by Carr, a bill for an act relating to maintenance of local secondary roads.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 474

Senator Murray called up for consideration Senate File 474, a bill for an act relating to the tort liability of governmental subdivisions, amended by the House by House amendment S—3904 filed May 22, 1981.

Senator Holden offered amendment S—5001 filed by him on January 14, 1982, to House amendment S—3904 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5001 to House amendment S—3904 be adopted?" (S.F. 474) the vote was:

Ayes, 26:

Anderson	Bisenius	Brown	Carr
Craft	DeKoster	Doyle	Dreeszen
Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Junkins
Kinley	Kudart	Palmer	Priebe
Ramsey	Rodgers	Rush	Taylor
Tieden	Van Gilst		

Nays, 23:

Baughner	Briles	Carney	Coleman
Comito	Deluhery	Drake	Gallagher
Gentleman	Hultman	Jensen	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Readinger	Schwengels	Slater	Small
Vande Hoef	Waldstein	Wells	

Absent or not voting, 1:

Yenger

Amendment S—5001 was adopted.

Senator Hultman asked and received unanimous consent that action on **Senate File 474** and House amendment S—3904, as amended, be **deferred**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 846.

House File 846

On motion of Senator Craft, House File 846, a bill for an act relating to regulatory activities of the department of insurance and the fees payable by persons subject to such regulation, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 846) the vote was:

Ayes, 29:

Baughner	Bisenius	Briles	Carney
Craft	DeKoster	Deluhery	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Palmer	Ramsey	Readinger	Schwengels
Small	Taylor	Tieden	Vande Hoef
Waldstein			

Nays, 20:

Anderson	Brown	Carr	Coleman
Comito	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Priebe	Rodgers
Rush	Slater	Van Gilst	Wells

Absent or not voting, 1:

Yenger

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

BUSINESS PENDING

Senate File 474

The Senate resumed consideration of Senate File 474 and House amendment S—3904, as amended, previously deferred.

Senator Taylor withdrew amendment S—5004 filed by him from the floor to House amendment S—3904.

Senator Murray moved that the Senate concur in House amendment S—3904, as amended, which motion prevailed by a voice vote.

Senator Murray moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 474) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers

Schwengels
Tieden
Wells

Slater
Vande Hoef

Small
Van Gilst

Taylor
Waldstein

Nays, 4:

Brown

Coleman

Husak

Rush

Absent or not voting, 1:

Yenger

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)

House Concurrent Resolution 38

On motion of Senator Hultman, House Concurrent Resolution 38, a resolution honoring Code Editor Wayne Faupel for 50 years of service to the state of Iowa, filed May 18, 1981, and found on pages 1714-1715 of the 1981 Senate Journal, was taken up for consideration.

Senator Hultman moved the adoption of House Concurrent Resolution 38, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent to take up out of order Senate File 270.

Senate File 270

On motion of Senator Carney, Senate File 270, a bill for an act relating to extending the hours for the sale or dispensing of alcoholic liquor and beer on Sunday, with report of committee recommending passage, was taken up for consideration.

Senator Comito raised the point of order that Senate File 270 was out of order because the same subject matter had previously been considered during the 1981 legislative session.

The Chair ruled the point not well taken under Section 159 of Mason's Manual of Legislative Procedure and that the subject matter of the bill considered by the Senate during the 1981 legislative session was more inclusive than Senate File 270.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 270) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Doyle
Gallagher	Gentleman	Hulse	Hultman
Hutchins	Kinley	Kudart	Lura
Miller, C.P.	Murray	Palmer	Readinger
Rodgers	Rush	Slater	Tieden
Waldstein	Wells		

Nays, 23:

Baughner	Comito	Craft	DeKoster
Deluhery	Drake	Dreeszen	Goodwin
Gratias	Hester	Holden	Husak
Jensen	Junkins	Miller, A.V.	Nystrom
Priebe	Ramsey	Schwengels	Small
Taylor	Vande Hoef	Van Gilst	

Absent or not voting, 1:

Yenger

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

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. J. R.	2001	State Government
S. F.	2055	Education
H.C.R.	102	Rules and Administration

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration placed the following Governor's appointments on the **En Bloc Confirmation Calendar** on January 20, 1982, and recommended the appointees be confirmed by the Senate:

Sammy F. Swaim—Iowa Law Enforcement Academy Council

Celeste F. Bremer—Occupational Safety and Health Review Commission

Richard L. Carruthers—State Board of Medical Examiners

John L. Garred—State Board of Medical Examiners

Gerald T. Jorgensen—State Board of Psychology Examiners

Kathy Kerst—State Board of Speech Pathology and Audiology Examiners

Lewis H. Rich—Council on Social Services

J. T. Watson—Council on Social Services

Vera V. French—Mental Health and Mental Retardation Commission

Martin Dettmer—Mental Health and Mental Retardation Commission

Margaret E. McDonald—Mental Health and Mental Retardation Commission

Arlene D. Steege—Mental Health and Mental Retardation Commission

Charles W. Semke—Mental Health and Mental Retardation Commission

Russell Clarke—Mental Health and Mental Retardation Commission

James J. Clabby—Mental Health and Mental Retardation Commission

Phyllis S. Christiansen—Mental Health and Mental Retardation Commission

G. Richard Burr—Mental Health and Mental Retardation Commission
Hormoz Rassekh—Mental Health and Mental Retardation Commission
Robert Riley—Mental Health and Mental Retardation Commission
Clarence McDermott—Mental Health and Mental Retardation Commission
Mildred Lloyd—Mental Health and Mental Retardation Commission
Robert D. Hoogeveen—Mental Health and Mental Retardation Commission
Helen Henderson—Mental Health and Mental Retardation Commission
Robert E. McMahan—City Finance Committee

CALVIN O. HULTMAN, Chair

STUDY BILLS RECEIVED

S.S.B. 2071 Commerce

Relating to the ownership by foreign corporations of interests in Iowa banks.

S.S.B. 2072 County Government

Relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

S.S.B. 2073 Natural Resources

Relating to a user fee for certain state lands under the jurisdiction of the conservation commission, making an appropriation, providing for a penalty and having a January 1 effective date.

S.S.B. 2074 Judiciary

Relating to the appointment of district associate judges.

S.S.B. 2075 Judiciary

Relating to trial recordings by either a court reporter or electronic methods.

S.S.B. 2076 Judiciary

Relating to small claims and increasing the jurisdictional amount, also transferring probate claims to a district associate judge.

S.S.B. 2077 Judiciary

Relating to the manner of establishing certain fees and compensation in probate.

S.S.B. 2078 Judiciary

Relating to fire safety, and providing penalties.

S.S.B. 2079 Judiciary

Requiring filing, in the office of the soil conservation district and in the office of the recorder of the county in which the land is located, of any agreements for receipt of any state cost-sharing funds for permanent soil conservation practices; and to provide a standardized form of release.

S.S.B. 2080 Judiciary

To permit payments in lieu of conservatorship and to permit the closing of a conservatorship for a minor where the assets are exhausted or do not exceed four thousand dollars.

S.S.B. 2081 Judiciary

Relating to the issuance of certificates of title by the Clerk of Court.

S.S.B. 2082 Judiciary

Relating to the definition of adjusted gross estate.

S.S.B. 2083 Judiciary

Relating to the use of small estates.

S.S.B. 2084 Judiciary

Providing for the discharge of the mechanics liens of contractors on the same basis that subcontractors mechanics liens can be discharged, and to provide that either may be discharged by depositing cash as security for payment in the same amount as the bond for which provision has been previously made.

S.S.B. 2085 Judiciary

To make the payment or nonpayment of judgments for support in dissolution of marriage cases a public record.

S.S.B. 2086 Judiciary

To change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in Section 586.1 of the Code.

S.S.B. 2087 Judiciary

Proposed revisions of Chapter 229, hospitalization of mentally ill persons.

S.S.B. 2088 Judiciary

Defining the period of limitation of administration of estate.

S.S.B. 2089 Transportation

To eliminate refunds on aviation gasoline tax used by non-agricultural operators.

S.S.B. 2090 Transportation

Relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license.

REPORTS OF INVESTIGATING COMMITTEES
(Place Nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Judiciary assigned to investigate the character and qualifications of Paul Murphy, Clinton, Clinton County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission under the provisions of Section 601A.3, 1981 Code of Iowa, for the unexpired portion of a term ending April 30, 1985, begs leave to report is has made investigation and recommends the appointment be confirmed.

COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, Chair

Pursuant to Senate Rule 58, the Committee on Judiciary assigned to investigate the character and qualifications of Leroy H. Park, Ankeny, Polk County, Iowa, for appointment as a member of the Iowa Board of Parole under the provisions of Section 904.2, 1981 Code of Iowa, for a term ending April 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, Chair

Pursuant to Senate Rule 58, the Committee on Judiciary assigned to investigate the character and qualifications of James E. Gritzner, Waterloo, Black Hawk County, Iowa, for appointment as a member of the Iowa Board of Parole under the provisions of Section 904.2, 1981 Code of Iowa, for a term beginning July 1, 1981, and ending April 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, Chair

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 19, 1982, 9:30 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen and Hutchins.

Members Absent: Nystrom (excused).

Other Committee Business: Presentation of supplemental budget requests by Dr. Robert Benton, Department of Public Instruction.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 19, 1982, 9:30 a.m.

Members Present: Husak, Ranking Member; Readinger, A. Miller and Kudart.

Members Absent: Yengef, Chair (excused).

Other Committee Business: Presentations by the Department of Substance Abuse and Mental Health regarding block grants and the Department of Health regarding health block grants.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON MENTAL HEALTH AND CORRECTIONS

Convened: January 19, 1982, 9:30 a.m.

Members Present: Baugher, Chair; Doyle, Ranking Member; Gentleman, DeKoster, and Deluhery.

Members Absent: none.

Other Committee Business: Met in joint session with Human Resources subcommittee on block grants; heard the report of the Advisory Commission—recommendations for Mitchellville and Rockwell City.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 19, 1982, 9:30 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Hearings on supplemental budget requests from the State Conservation Commission and the Energy Policy Council.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 19, 1982, 9:25 a.m.

Members Present: Jensen, Chair; Rush, Ranking Member; Gratias, Hulse and C. Miller.

Members Absent: none.

Other Committee Business: Members of the Iowa Real Estate Commission and Revenue Department appeared before the committee to present their supplemental budgets.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 19, 1982, 9:30 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Sandy Scott, Director of Community Services, DSS, gave presentation on Title XIX '82 and Medical Carrier '82.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 19, 1982, 9:30 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Lura, Taylor and Wells.

Members Absent: none.

Other Committee Business: Supplemental budget hearing for the Office of the Attorney General.

Adjourned: 9:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 19, 1982, 9:30 a.m.

Members Present: Bisenius, Chair; Coleman, Ranking Member; Drake and Holden.

Members Absent: Anderson (arrived 9:55 a.m.).

Other Committee Business: Presentation of supplemental budget requests by Iowa Law Enforcement Academy Council.

Adjourned: 10:05 a.m.

AGRICULTURE

Convened: January 19, 1982, 8:05 a.m.

Members Present: Taylor, Chair; Hester, Vice Chairperson; Hutchins, Ranking Member; Dreeszen, Hulse, Husak, A. Miller, Vande Hoef, Van Gilst and Waldstein.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees; discussed House File 53, relating to home baking; discussed priorities for session.

Adjourned: 8:55 a.m.

COMMERCE

Convened: January 20, 1982, 1:30 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: Craft.

Final Bill Action: HOUSE FILE 372, a bill for an act relating to the amount of the surety bond required of mobile home dealers.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Holden, Comito, DeKoster, Husak, Jensen, Priebe and Rush. Nays, 1: Deluhery. Absent or not voting, 2: Baugher and Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bill to subcommittee; discussed SSB 2051.

Adjourned: 2:20 p.m.

COUNTY GOVERNMENT

Convened: January 19, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef.

Members Absent: Yenger.

Final Bill Action: SENATE FILE 371, a bill for an act authorizing county sheriffs to enforce traffic laws on private roads providing access to a private lake or other development upon the request of the property owners.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 396 (SSB 28), a bill for an act relating to the platting and recording of resurveyed or subdivided land.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 453 (SSB 32), a bill for an act relating to the appointment of a member of a county board of supervisors to the council on social services, effective January 1, 1983.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 454 (SSB 292), a bill for an act relating to quarterly reports by county officers.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 460, a bill for an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 3:35 p.m.

ENERGY

Convened: January 20, 1982, 1:36 p.m.

Members Present: Ramsey, Chair; Bisenius, Vice Chair; Gallagher, Ranking Member; Anderson, Briles, Kudart, Readinger and Rodgers.

Members Absent: Doyle and Yenger (both excused).

Final Bill Action: SENATE FILE 312, a bill for an act providing that passivesolar 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: DO PASS.

Final Vote: Ayes, 8: Ramsey, Bisenius, Gallagher, Anderson, Briles, Kudart, Readinger and Rodgers. Nays, none. Absent or not voting, 2: Doyle and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Adopted subcommittee report recommending confirmation of Robert Tyson as Director of the Energy Policy Council; presentation by Robert Tyson of the Energy Policy Council.

Adjourned: 2:15 p.m.

NATURAL RESOURCES

Convened: January 20, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair, Van Gilst, Ranking Member; Kudart, Tieden, Gallagher and Hutchins.

Members Absent: Gentleman and Rodgers.

Final Bill Action: HOUSE FILE 396, a bill for an act relating to an income tax checkoff for the state fish and game protection fund.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Kudart, Tieden, Gallagher and Hutchins. Nays, none. Absent or not voting, 2: Gentleman and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:30 a.m.

TRANSPORTATION

Convened: January 19, 1982, 1:30 p.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member (arrived 1:43 p.m.); Bisenius (arrived 1:34 p.m.), Comito, Doyle, Hutchins, A. Miller and Nystrom.

Members Absent: Murray.

Other Committee Business: Assigned committee bills to subcommittees; discussed proposed legislation; announced date of public hearing; announced next meeting at noon on January 21.

Adjourned: 2:30 p.m.

WAYS AND MEANS

Convened: January 19, 1982, 1:35 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:02 p.m.

AMENDMENT FILED

S—5004 S. F. 474 Ray Taylor

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:25 p.m., until 9:00 a.m., Thursday, January 21, 1982.

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 21, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Dennis Dorsheimer, pastor of the Jackson Church of Christ, Montezuma, Iowa.

The Journal of Wednesday, January 20, 1982, was approved.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 101

By: Baugher

1 *Whereas*, the Reagan administration has taken steps
2 to reduce inflation with the goal of improving economic
3 conditions in this country; and
4 *Whereas*, the funding for many federal government
5 programs has been reduced in order to lower the federal
6 deficit; and
7 *Whereas*, reduced funding for federal programs has
8 been achieved in the vast amount of domestic programs
9 and these programs have been reduced to more realistic
10 levels; and
11 *Whereas*, a reduction in defense spending could
12 provide a great step forward in meeting a balanced
13 federal budget and assure state and local governments
14 that the people in the safety net of programs funded
15 by the federal government will not see more reductions;
16 *Now Therefore*,
17 *Be It Resolved by the Senate, the House Concurring*,
18 That the 1982 Session of the Iowa General Assembly urges
19 the Reagan administration to make appropriate cuts in
20 the defense budget in order that programs serving un-
21 fortunate persons can be more adequately funded during
22 this time of unanticipated economic recession; and
23 *Be It Further Resolved*, That copies of this resolution
24 be forwarded to the Office of Management and Budget, and
25 the members of the Iowa Congressional delegation.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 2071, by Murray, a bill for an act providing for the administration and the manner of funding of juvenile probation services, with a July 1, 1983 effective date.

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

Senate File 2072, by Hutchins and Miller of Cerro Gordo, a bill for an act relating to multiple workers' compensation rating classifications for agricultural employees.

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

Senate File 2073, by Miller of Des Moines, a bill for an act relating to the manner of adjusting pensions for members and beneficiaries of the peace officers' retirement system.

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

Senate File 2074, by Hultman, a bill for an act to increase the handling fee on certain beverage containers subject to a mandatory deposit.

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

WITHDRAWN

Senator Miller of Des Moines asked and received unanimous consent that **Senate File 23** be withdrawn from further consideration of the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Yenger for today and January 22, 1982, on request of Senator Hultman.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:10 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2075, by Vande Hoef, Baugher, Taylor, Jensen, Gratiias, Kudart, Husak, Dreeszen, Miller of Des Moines, Coleman, Wells and Ramsey, a bill for an act prohibiting the use, possession, delivery, manufacture, and advertisement of drug-related objects with the intent that the objects will be used in connection with an illegal use of controlled substances, and providing for civil forfeiture and criminal penalties.

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

Senate File 2076, by Taylor and Nystrom, a bill for an act relating to the publication of financial statements by the boards of merged areas.

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

Senate File 2077, by Taylor and Nystrom, a bill for an act relating to the auditing of claims by a board of directors of a merged area.

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

Senate File 2078, by Taylor and Nystrom, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 574.

Senate File 574

On motion of Senator Holden, Senate File 574, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property and exempting trades of vehicles subject to registration for other vehicles of equal or lesser value, with report of committee recommending passage, was taken up for consideration.

Senator Holden offered amendment S—5020 filed by him from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—5020 was adopted by a voice vote.

Senator Holden withdrew amendment S—3825 filed by him on May 20, 1981, to page 2 of the bill.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 574) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells			

Nays, none.

Absent or not voting, 1:

Yenger

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

Senate File 579

On motion of Senator Taylor, Senate File 579, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control, with report of committee recommending passage, was taken up for consideration.

Senator Small offered amendment S—5019 filed by Senators Small and Murray from the floor to page 1 of the bill.

Senator Taylor raised the point of order that amendment S—5019 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5019 out of order.

Senator Vande Hoef offered amendment S—3898 filed by him on May 22, 1981, to page 1 and the title page of the bill.

Senator Gallagher raised the point of order that amendment S—3898 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3898 out of order.

The Chair ruled amendment S—5008 filed by Senator Vande Hoef from the floor to page 1 and the title page of the bill, out of order.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 579) the vote was:

Ayes, 42:

Anderson

Baughner

Bisenius

Briles

Carney	Carr	Coleman	Craft
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, 7:

Brown	Comito	DeKoster	Gallagher
Holden	Rush	Small	

Absent or not voting, 1:

Yenger

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 out of order House File 823.

House File 823

On motion of Senator Baugher, House File 823, a bill for an act relating to the requirements for giving a notice to cure in a consumer credit transaction, with report of committee recommending passage, was taken up for consideration.

The Senate resumed consideration of division S—3546B by Senator Rush to page 2 of the bill, deferred on April 23, 1981.

Senator Doyle offered amendment S—3611 filed by Senators Doyle and Baugher on April 29, 1981, to division S—3546B and moved its adoption.

Amendment S—3611 was adopted by a voice vote.

Senator Doyle moved the adoption of division S—3546B, as amended, which motion prevailed by a voice vote.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 823) the vote was:

Ayes, 34:

Anderson	Baugher	Bisenius	Briles
Carney	Comito	DeKoster	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Lura	Miller, A.V.	Murray
Nystrom	Priebe	Ramsey	Rodgers
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein		

Nays, 15:

Brown	Carr	Coleman	Craft
Deluhery	Gallagher	Kinley	Kudart
Miller, C.P.	Palmer	Readinger	Rush
Slater	Small	Wells	

Absent or not voting, 1:

Yenger

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

**SENATE JOINT
RESOLUTION 14**

State Government
Nystrom, Chairperson
Schwengels
C. Miller

SENATE FILE 145

State Government
Lura, Chairperson
Slater
Craft

SENATE FILE 191

Cities
Readinger, Chairperson
Kinley
Carney

SENATE FILE 344

Transportation
Comito, Chairperson
A. Miller
Bisenius

SENATE FILE 387

State Government
Briles, Chairperson
Schwengels
Gallagher

SENATE FILE 404

Transportation
Bisenius, Chairperson
A. Miller
Jensen

SENATE FILE 428

Human Resources
Vande Hoef, Chairperson
Nystrom
Gentleman

SENATE FILE 467

Human Resources
Gratias, Chairperson
C. Miller
Drake

**SENATE JOINT
RESOLUTION 2001**

State Government
Schwengels, Chairperson
Lura
Hutchins

SENATE FILE 175

Ways and Means
Rodgers, Chairperson
Craft
Readinger

SENATE FILE 270

State Government
Lura, Chairperson
Nystrom
Hutchins

SENATE FILE 354

Cities
Readinger, Chairperson
Carney
Kinley

SENATE FILE 403

Transportation
Hutchins, Chairperson
Drake
Comito

SENATE FILE 411

Transportation
Comito, Chairperson
A. Miller
Murray

SENATE FILE 441

State Government
Schwengels, Chairperson
Lura
Palmer

SENATE FILE 471

Human Resources
Hulse, Chairperson
Vande Hoef
A. Miller

SENATE FILE 476

Cities
Waldstein, Chairperson
Wells
Comito

SENATE FILE 483

State Government
Nystrom, Chairperson
Schwengels
Carr

SENATE FILE 534

Human Resources
Gentleman, Chairperson
Vande Hoef
C. Miller

SENATE FILE 537

Human Resources
Gratias, Chairperson
C. Miller
Drake

SENATE FILE 544

Ways and Means
Readinger, Chairperson
Craft
Lura
Van Gilst
Rush

SENATE FILE 568

State Government
Briles, Chairperson
Tieden
Palmer

SENATE FILE 2005

State Government
Slater, Chairperson
Schwengels
Drake

SENATE FILE 2007

State Government
Schwengels, Chairperson
Craft
Carr

SENATE FILE 478

State Government
Schwengels, Chairperson
Tieden
Palmer

SENATE FILE 530

State Government
Nystrom, Chairperson
Schwengels
Carr

SENATE FILE 536

Human Resources
Vande Hoef, Chairperson
Nystrom
Gentleman

SENATE FILE 538

State Government
Slater, Chairperson
Drake
Tieden

SENATE FILE 565

Ways and Means
Holden, Chairperson
Husak
Ramsey

SENATE FILE 573

Cities
Readinger, Chairperson
Carney
Kinley

SENATE FILE 2006

State Government
Drake, Chairperson
Gentleman
Gallagher

SENATE FILE 2008

Ways and Means
Craft, Chairperson
Readinger
Rodgers

SENATE FILE 2009

County Government
Waldstein, Chairperson
Hester
Priebe

SENATE FILE 2012

Transportation
Coleman, Chairperson
Bisenius
Comito

SENATE FILE 2017

State Government
Palmer, Chairperson
Briles
Tieden

SENATE FILE 2019

County Government
C. Miller, Chairperson
Brown
Goodwin

SENATE FILE 2021

State Government
Drake, Chairperson
Carr
Tieden

SENATE FILE 2023

Judiciary
Carr, Chairperson
Murray
Doyle

SENATE FILE 2025

State Government
Nystrom, Chairperson
Slater
Lura

SENATE FILE 2027

Judiciary
Small, Chairperson
Taylor
Dreeszen

SENATE FILE 2011

Transportation
Murray, Chairperson
Hutchins
Doyle

SENATE FILE 2015

Ways and Means
Lura, Chairperson
Hester
Van Gilst

SENATE FILE 2018

Ways and Means
Lura, Chairperson
Van Gilst
Hester

SENATE FILE 2020

Ways and Means
Ramsey, Chairperson
Priebe
Readinger

SENATE FILE 2022

Ways and Means
Craft, Chairperson
Holden
Priebe

SENATE FILE 2024

Ways and Means
Van Gilst, Chairperson
Taylor
Ramsey

SENATE FILE 2026

State Government
Schwengels, Chairperson
Hutchins
Gentleman

SENATE FILE 2028

Natural Resources
Gentleman, Chairperson
Kudart
Rodgers

SENATE FILE 2029

State Government
Palmer, Chairperson
Craft
Tieden

SENATE FILE 2031

State Government
Lura, Chairperson
Craft
Hutchins

SENATE FILE 2033

Labor and Industrial Relations
Gratias, Chairperson
Hulse
Kinley

SENATE FILE 2035

State Government
Briles, Chairperson
Drake
Hutchins

SENATE FILE 2037

Natural Resources
Rodgers, Chairperson
Kudart
Tieden

SENATE FILE 2039

Labor and Industrial Relations
Carney, Chairperson
Gratias
Anderson

SENATE FILE 2041

Education
Carney, Chairperson
Brown
Dreeszen

SENATE FILE 2043

Natural Resources
Schwengels, Chairperson
Goodwin
Van Gilst

SENATE FILE 2030

Labor and Industrial Relations
Hultman, Chairperson
Goodwin
Wells

SENATE FILE 2032

State Government
Gentleman, Chairperson
Carr
Schwengels

SENATE FILE 2034

Judiciary
Rush, Chairperson
Baugher
Kudart

SENATE FILE 2036

Ways and Means
Readinger, Chairperson
Rodgers
Craft

SENATE FILE 2038

Judiciary
Kudart, Chairperson
Murray
Rush

SENATE FILE 2040

Judiciary
Lura, Chairperson
Dreeszen
Deluhery

SENATE FILE 2042

Commerce
DeKoster, Chairperson
Comito
Rush

SENATE FILE 2044

Judiciary
Rush, Chairperson
Carr
Lura

SENATE FILE 2045

Judiciary
Taylor, Chairperson
Coleman
Carr

SENATE FILE 2047

Transportation
A. Miller, Chairperson
Comito
Nystrom

SENATE FILE 2051

Transportation
Murray, Chairperson
Bisenius
Hutchins

HOUSE FILE 121

State Government
Gentleman, Chairperson
Briles
C. Miller

HOUSE FILE 303

Human Resources
Gentleman, Chairperson
Vande Hoef
Carr

HOUSE FILE 753

County Government
Wells, Chairperson
Waldstein
Vande Hoef

HOUSE FILE 783

State Government
Lura, Chairperson
Craft
Gallagher

HOUSE FILE 792

State Government
Nystrom, Chairperson
Lura
Slater

SENATE FILE 2046

State Government
Hutchins, Chairperson
Schwengels
Tieden

SENATE FILE 2048

Labor and Industrial Relations
Goodwin, Chairperson
Carney
Brown

SENATE FILE 2053

State Government
Schwengels, Chairperson
Tieden
Slater

HOUSE FILE 241

Transportation
Hutchins, Chairperson
Jensen
Coleman

HOUSE FILE 399

Agriculture
Dreeszen, Chairperson
Hulse
Husak

HOUSE FILE 754

Transportation
Comito, Chairperson
Drake
Doyle

HOUSE FILE 788

Human Resources
Gentleman, Chairperson
Vande Hoef
Carr

HOUSE FILE 796

Transportation
Hutchins, Chairperson
Murray
Nystrom

HOUSE FILE 797

Cities
Waldstein, Chairperson
Wells
Comito

HOUSE FILE 833

Ways and Means
Van Gilst, Chairperson
Lura
Readinger

HOUSE FILE 858

Ways and Means
Lura, Chairperson
Rush
Readinger

HOUSE FILE 866

Ways and Means
Hester, Chairperson
Rush
Craft

SSB 2002

Commerce
Holden, Chairperson
Jensen
Deluhery

SSB 2004

Commerce
DeKoster, Chairperson
Craft
Rush

SSB 2006

Commerce
DeKoster, Chairperson
Craft
Rush

SSB 2008

State Government
Lura, Chairperson
Craft
Slater

HOUSE FILE 808

Transportation
Drake, Chairperson
Jensen
A. Miller
Hutchins
Comito

HOUSE FILE 855

Ways and Means
Craft, Chairperson
Readinger
Rodgers

HOUSE FILE 861

Ways and Means
Rush, Chairperson
Lura
Ramsey

SSB 2001

Commerce
Jensen, Chairperson
DeKoster
Priebe

SSB 2003

Commerce
Holden, Chairperson
Jensen
Priebe

SSB 2005

Commerce
Holden, Chairperson
Jensen
Deluhery

SSB 2007

Commerce
Craft, Chairperson
Baugher
Priebe

SSB 2009

Judiciary
Ramsey, Chairperson
Rush
Murray

SSB 2010

Judiciary
Taylor, Chairperson
Murray
Doyle

SSB 2012

Commerce
Holden, Chairperson
Jensen
Deluhery

SSB 2014

Ways and Means
Holden, Chairperson
Craft
Rodgers

SSB 2016

State Government
Briles, Chairperson
Lura
Hutchins

SSB 2018

County Government
Brown, Chairperson
Goodwin
Hester

SSB 2020

County Government
Priebe, Chairperson
Vande Hoef
Yenger

SSB 2022

County Government
Vande Hoef, Chairperson
Waldstein
C. Miller

SSB 2024

Judiciary
Dreeszen, Chairperson
Deluhery
Small

SSB 2011

Judiciary
Ramsey, Chairperson
Doyle
Kudart

SSB 2013

Ways and Means
Craft, Chairperson
Rush
Hester

SSB 2015

Commerce
DeKoster, Chairperson
Comito
Rush

SSB 2017

State Government
Nystrom, Chairperson
Schwengels
Gallagher

SSB 2019

County Government
Hester, Chairperson
C: Miller
Priebe

SSB 2021

County Government
Goodwin, Chairperson
Wells
Yenger

SSB 2023

County Government
Waldstein, Chairperson
Brown
Hester

SSB 2025

Ways and Means
Van Gilst, Chairperson
Readinger
Holden

SSB 2026

Ways and Means
Taylor, Chairperson
Priebe
Holden
Palmer
Readinger

SSB 2028

Ways and Means
Craft, Chairperson
Holden
Priebe

SSB 2030

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2032

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2034

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2036

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2038

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2040

Commerce
DeKoster, Chairperson
Craft
Rush

SSB 2027

Ways and Means
Craft, Chairperson
Rodgers
Readinger

SSB 2029

Ways and Means
Craft, Chairperson
Hultman
Junkins

SSB 2031

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2033

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2035

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2037

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2039

Ways and Means
Hester, Chairperson
Lura
Rush

SSB 2041

Commerce
Baughner, Chairperson
Craft
Rush

SSB 2042

Commerce
Holden, Chairperson
Jensen
Deluhery

SSB 2044

Judiciary
Ramsey, Chairperson
Baugher
Murray
Doyle
Coleman

SSB 2046

Judiciary
Ramsey, Chairperson
Murray
Baugher
Doyle
Coleman

SSB 2048

Judiciary
Ramsey, Chairperson
Baugher
Murray
Doyle
Coleman

SSB 2050

Judiciary
Ramsey, Chairperson
Baugher
Murray
Doyle
Coleman

SSB 2052

County Government
Priebe, Chairperson
Vande Hoef
Yenger

SSB 2054

Natural Resources
Tieden, Chairperson
Gallagher
Schwengels

SSB 2043

Judiciary
Ramsey, Chairperson
Baugher
Murray
Doyle
Coleman

SSB 2045

Judiciary
Ramsey, Chairperson
Baugher
Murray
Doyle
Coleman

SSB 2047

Judiciary
Ramsey, Chairperson
Baugher
Murray
Doyle
Coleman

SSB 2049

Judiciary
Ramsey, Chairperson
Baugher
Murray
Doyle
Coleman

SSB 2051

Commerce
Baugher, Chairperson
Comito
Husak

SSB 2053

Commerce
Holden, Chairperson
Craft
Rush

SSB 2055

Natural Resources
Schwengels, Chairperson
Tieden
Hutchins

SSB 2056

Transportation
Drake, Chairperson
Doyle
Bisenius

SSB 2058

State Government
C. Miller, Chairperson
Gentleman
Craft

SSB 2060

Education
Taylor, Chairperson
DeKoster
Small

SSB 2063

Education
Jensen, Chairperson
Dreeszen
Anderson

SSB 2065

State Government
Briles, Chairperson
C. Miller
Craft

SSB 2067

Transportation
Doyle, Chairperson
Comito
Jensen

SSB 2069

Cities
Readinger, Chairperson
Carney
Kinley

SSB 2071

Commerce
Holden, Chairperson
Craft
Rush

SSB 2057

Judiciary
Kudart, Chairperson
Doyle
Ramsey

SSB 2059

State Government
Nystrom, Chairperson
Schwengels
Slater

SSB 2061

Education
Wells, Chairperson
Taylor
Small

SSB 2064

Education
Gratias, Chairperson
Brown
Carney

SSB 2066

Agriculture
Vande Hoef, Chairperson
Hester
Husak

SSB 2068

Natural Resources
Tieden, Chairperson
Hutchins
Goodwin

SSB 2070

Labor and Industrial Relations
Carney, Chairperson
Hultman
Kinley

SSB 2072

County Government
Priebe, Chairperson
Waldstein
C. Miller

SSB 2073

Natural Resources
Goodwin, Chairperson
Van Gilst
Kudart

SSB 2075

Judiciary
Doyle, Chairperson
Ramsey
Lura

SSB 2077

Judiciary
Kudart, Chairperson
Doyle
Dreeszen

SSB 2079

Judiciary
Taylor, Chairperson
Dreeszen
Deluhery

SSB 2081

Judiciary
Kudart, Chairperson
Doyle
Dreeszen

SSB 2083

Judiciary
Kudart, Chairperson
Doyle
Dreeszen

SSB 2085

Judiciary
Murray, Chairperson
Carr
Coleman

SSB 2087

Judiciary
Murray, Chairperson
Small
Kudart

SSB 2074

Judiciary
Taylor, Chairperson
Dreeszen
Carr

SSB 2076

Judiciary
Rush, Chairperson
Deluhery
Taylor

SSB 2078

Judiciary
Rush, Chairperson
Lura
Small

SSB 2080

Judiciary
Kudart, Chairperson
Doyle
Dreeszen

SSB 2082

Judiciary
Kudart, Chairperson
Doyle
Dreeszen

SSB 2084

Judiciary
Ramsey, Chairperson
Lura
Carr

SSB 2086

Judiciary
Small, Chairperson
Ramsey
Taylor

SSB 2088

Judiciary
Kudart, Chairperson
Doyle
Dreeszen

SSB 2090

Transportation
 Jensen, Chairperson
 Coleman
 Drake

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2056	Agriculture
S. F.	2057	Judiciary
S. F.	2058	Ways and Means
S. F.	2059	Ways and Means
S. F.	2060	Education
S. F.	2061	Judiciary
S. F.	2062	Judiciary
S. F.	2063	Education
S. F.	2064	Education
S. F.	2065	Cities
S. F.	2066	Ways and Means
S. F.	2067	Education
S. F.	2068	Education
S. F.	2069	State Government
S. F.	2070	Transportation

REPORTS OF INVESTIGATING COMMITTEES
 (Place Nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Natural Resources assigned to investigate the character and qualifications of Keith E. Uhl, Des Moines, Polk County, Iowa, for appointment as a member of the Environmental Quality Commission under the provisions of Section 455B.4, 1981 Code of Iowa, for the unexpired portion of a term ending April 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chair

Pursuant to Senate Rule 58, the Committee on Transportation assigned to investigate the character and qualifications of Mark W. Wampler, Des Moines, Polk County, Iowa, for appointment as a member of Transportation Regulation Board under the provisions of Section 307.15, as amended by Chapter 22, Acts of the Sixty-

ninth General Assembly, 1981 Regular Session, for an unexpired term ending December 31, 1981, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chair

COMMUNICATION

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

COMMISSION ON THE AGING

A copy of the report of the State Elderly Care Program prepared by the Commission on the Aging and the Elderly Care Inter-Agency Coordinating Committee, pursuant to Chapter 5, 1981 Acts of the Sixty-ninth General Assembly.

Copies are available to members of the Senate from the Secretary's office.

STUDY BILLS RECEIVED

S.S.B. 2091 Judiciary

Relating to the penalties for certain public offenses.

S.S.B. 2092 Judiciary

Relating to simulated controlled substances and imitation controlled substances to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act and providing penalties.

S.S.B. 2093 Judiciary

To revise the provisions of operating a motor vehicle under the influence and operating a motor vehicle with a blood alcohol level of .13 or more and to revise the provisions of implied consent and increasing penalties.

S.S.B. 2094 Judiciary

Relating to interpreters who serve in a legal proceeding.

S.S.B. 2095 Commerce

Relating to the construction or operation of transmission lines, wires or cables outside of cities for the transmission, distribution or sale of electric current.

S.S.B. 2096 Commerce

Amending Section 479.1 and Section 479.5, Code 1981.

S.S.B. 2097 Commerce

Amending Section 18.148, Code 1981 relating to joint use of facilities.

S.S.B. 2098 Judiciary

Relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229.

S.S.B. 2099 Commerce

Repealing chapter 323 of the Code relating to franchises of distributors and dealers of motor fuels and special fuels.

S.S.B. 2100 Energy

Limiting the sale of beer in containers subject to a refund value to areas of redemption by the distributing seller.

**FURTHER
REPORT OF COMMITTEE MEETING**

COUNTY GOVERNMENT*

*A previous report of this meeting was recorded on pages 136-138 of the Senate Journal.

Final Bill Action: HOUSE FILE 210, a bill for an act authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 462, a bill for an act relating to honoring county warrants.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 498, a bill for an act relating to office hours for county offices.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 499, a bill for an act relating to the election or appointment of the board of trustees of benefited fire districts.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 20, 1982, 9:30 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen and Hutchins (arrived 11:00 a.m.).

Members Absent: Nystrom (excused).

Other Committee Business: Supplemental requests presented by Board of Regents S.J. Brownlee, President of the Board; President Spriesterbach, University of Iowa; President Parks, Iowa State University; President Kamerick, University of Northern Iowa; and Wayne Richey, Executive Director of the Board.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 20, 1982, 9:45 a.m.

Members Present: Husak, Ranking Member; Readinger, A. Miller and Kudart.

Members Absent: Yenger, Chair (excused).

Other Committee Business: Presentation by the Department of Health regarding federal health block grants.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON MENTAL HEALTH AND CORRECTIONS

Convened: January 20, 1982, 9:30 a.m.

Members Present: Baugher, Chair; Doyle, Ranking Member; DeKoster, Deluhery and Gentleman.

Members Absent: none.

Other Committee Business: Hal Farrier presented program overview for the Division of Adult Corrections.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 20, 1982, 9:30 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Supplemental budget presentations by the Iowa Development Commission and the Department of Agriculture.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 20, 1982, 9:30 a.m.

Members Present: Jensen, Chair; Rush, Ranking Member; Gratiyas, Hulse and C. Miller.

Members Absent: none.

Other Committee Business: Made decisions on Engineering Examiners, Insurance Department, Real Estate Commission and Revenue Department; Iowa Beer and Liquor Control Department reappeared before the committee to present figures.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 20, 1982, 9:30 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Sandy Scott, Director of Community Programs, DSS, gave presentation on Foster Care, and Community Based Services and Home Based Services; Gary Mattson, Chairman, Statewide Advisory Committee, reviewed recommendations from the committee.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 20, 1982, 9:30 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Lura, Taylor and Wells.

Members Absent: none.

Other Committee Business: Budget presentations by the Arts Council and Merit Employment Department.

Adjourned: 12:00 noon.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 20, 1982, 9:30 a.m.

Members Present: Bisenius, Chair; Coleman, Ranking Member; Anderson, Drake and Holden (arrived 10:05 a.m.).

Members Absent: none.

Other Committee Business: Supplemental budget requests by the Department of Public Defense.

Adjourned: 10:30 a.m.

CITIES

Convened: January 20, 1982, 3:04 p.m.

Members Present: Readinger, Chair; A. Miller, Ranking Member; Carney, Holden, Waldstein, Wells and Slater (arrived 3:08 p.m.).

Members Absent: Comito, Vice Chair and Kinley.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 3:13 p.m.

HUMAN RESOURCES

Convened: January 21, 1982, 1:37 p.m.

Members Present: Gentleman, Chair; C. Miller, Ranking Member; Carr, Coleman, Drake, Gratias, Hulse, A. Miller, Slater and Vande Hoef (arrived 1:42 p.m.).

Members Absent: Yenger, Vice Chair and Nystrom (both excused).

Final Bill Action: SENATE FILE 428, a bill for an act relating to the employment by the department of social services of child support recovery workers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gentleman, C. Miller, Carr, Coleman, Drake, Gratias, Hulse, A. Miller, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: Yenger and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 467, a bill for an act relating to reports of reportable disease.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gentleman, C. Miller, Carr, Coleman, Drake, Gratias, Hulse, A. Miller, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: Yenger and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 536, a bill for an act relating to multidisciplinary team access to child abuse information.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gentleman, C. Miller, Carr, Coleman, Drake, Gratias, Hulse, A. Miller, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: Yenger and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 537, a bill for an act to abolish the requirement for a premarital syphilis examination.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gentleman, C. Miller, Carr, Drake, Gratias, Hulse, A. Miller, Slater and Vande Hoef. Nays, 1: Coleman. Absent or not voting, 2: Yenger and Nystrom.

Other Committee Business: Announced Elderly Services subcommittee members—Gentleman, Chair; Yenger, Vande Hoef, Slater and A. Miller.

Adjourned: 2:03 p.m.

JUDICIARY

Convened: January 20, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: none.

Other Committee Business: Recommended confirmation of Governor's appointee Paul Murphy to the Iowa Civil Rights Commission; announced assignment of bills.

Adjourned: 3:25 p.m.

STATE GOVERNMENT

Convened: January 21, 1982, 3:03 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: none.

Final Bill Action: SENATE FILE 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 568, a bill for an act relating to the regulation of boxing or wrestling matches and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer and Schwengels. Nays, 2: Lura and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2021, a bill for an act limiting the issuance of handicapped identification devices to handicapped persons and certain government agencies and private organizations.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Briles, Carr, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, 1; Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 829, a bill for an act relating to the investigations, communications and reports of the citizens' aide office.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: SSB 2059 discussed and sent back to legislative service bureau for redrafting; bills assigned to subcommittees.

Adjourned: 3:30 p.m.

AMENDMENTS FILED

S-5005	S. F.	560	Gary L. Baugher Richard Comito
S-5006	S. F.	525	Lucas J. DeKoster
S-5007	S. F.	525	Lucas J. DeKoster
S-5008	S. F.	579	Richard Vande Hoef
S-5009	S. F.	560	Ray Taylor
S-5010	S. F.	371	James E. Briles
S-5011	S. F.	460	James E. Briles
S-5012	S. F.	454	James E. Briles
S-5013	S. F.	560	Elvie L. Dreeszen
S-5014	S. F.	560	Elvie L. Dreeszen
S-5015	S. F.	560	Mick Lura
S-5016	S. F.	560	Mick Lura
S-5017	S. F.	560	Mick Lura
S-5018	S. F.	560	James E. Briles
S-5019	S. F.	579	Arthur A. Small, Jr. John S. Murray
S-5020	S. F.	574	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Monday, January 25, 1982.

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY.

Senate Chamber
Des Moines, Iowa, Monday, January 25, 1982

The Senate met in regular session at 9:00 a.m., Senator Carney presiding.

Prayer was offered by the Reverend Harris Hostager, pastor of the Our Saviour Lutheran Church, Audubon, Iowa.

The Journal of Thursday, January 21, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William Palmer, D.O., Resident at Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Jensen and Murray for the day on request of Senator Hultman.

INTRODUCTION OF BILL

Senate File 2079, by Miller of Cerro Gordo, a bill for an act to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations.

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

WITHDRAWN

Senator Hultman asked and received unanimous consent that **Senate Files 329 and 462** be withdrawn from further consideration of the Senate.

BILL REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate File 498** be referred from the Regular Calendar to the committee on **County Government**.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent and a quorum present.

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

The Senate resumed session, Senator Carney presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 315.

Senate File 315

On motion of Senator Schwengels, Senate File 315, a bill for an act to require occupational licensing boards to provide certain information to applicants requesting the information, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **Senate File 315** be **deferred**.

Senator Hultman asked and received unanimous consent to take up out of order House File 857.

House File 857

On motion of Senator Doyle, House File 857, a bill for an act to legalize the proceedings of the city council and city engineer of the city of Cresco, Iowa, relating to the execution of a certain contract, with report of committee recommending passage, was taken up for consideration.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 857) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Baughner	Bisenius	Briles	Carney
Coleman	Craft	Deluhery	Doyle
Dreeszen	Gallagher	Gratias	Hester
Hulse	Hultman	Husak	Lura
Miller, A.V.	Nystrom	Palmer	Readinger
Schwengels	Slater	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 12:

Anderson	Carr	DeKoster	Goodwin
Holden	Hutchins	Junkins	Kudart
Miller, C.P.	Priebe	Rush	Taylor

Absent or not voting, 10:

Brown	Comito	Drake	Gentleman
Jensen	Kinley	Murray	Ramsey
Rodgers	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 House File 783.

House File 783

On motion of Senator Lura, House File 783, a bill for an act relating to the licensing and examining boards, including the board of medical examiners, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lura offered amendment S—3518 filed by the committee on State Government on April 21, 1981, to page 1 of the bill.

Senator Lura asked and received unanimous consent to withdraw amendment S—3540 filed by Senators Nystrom and Palmer on April 22, 1981, to amendment S—3518.

Senator Lura asked and received unanimous consent to withdraw amendment S—3518.

Senator Lura moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 783) the vote was:

Ayes, 40:

Anderson	Baughner	Bisenius	Briles
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Dreeszen
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Yenger

Nays, none:

Absent or not voting, 10:

Brown	Comito	Drake	Gentleman
Jensen	Murray	Ramsey	Rodgers
Small	Van Gilst		

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 560.

Senate File 560

On motion of Senator Readinger, Senate File 560, a bill for an act relating to the imposition of local option income surtax, earnings tax, or vehicle tax by a city or county and providing for penalties, with report of committee without recommendation, was taken up for consideration.

Senator Lura offered amendment S—3724 filed by him on May 11, 1981, to strike everything after the enacting clause and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3724 be adopted?" (S.F. 560) the vote was:

Ayes, 13:

Anderson	Coleman	Deluhery	Dreeszen
Gallagher	Gratias	Hulse	Husak
Hutchins	Lura	Priebe	Schwengels
Taylor			

Nays, 29:

Baughner	Bisenius	Briles	Carney
Carr	Craft	DeKoster	Doyle
Goodwin	Hester	Holden	Hultman
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Ramsey
Readinger	Rush	Slater	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Absent or not voting, 8:

Brown	Comito	Drake	Gentleman
Jensen	Murray	Rodgers	Small

Amendment S—3724 lost.

Senator Lura offered amendment S—5017 filed by him on January 21, 1982, to pages 1 and 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5017 be adopted?" (S.F. 560) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Anderson	Baughner	Briles	Coleman
Deluhery	Dreeszen	Gallagher	Goodwin
Gratias	Holden	Hulse	Husak
Hutchins	Kudart	Lura	Palmer
Priebe	Ramsey	Schwengels	Taylor
Van Gilst	Yenger		

Nays, 22:

Bisenius	Carney	Carr	Craft
DeKoster	Doyle	Gentleman	Hester
Hultman	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Readinger	Rodgers
Rush	Slater	Tieden	Vande Hoef
Waldstein	Wells		

Absent or not voting, 6:

Brown	Comito	Drake	Jensen
Murray	Small		

Amendment S—5017 lost.

Senator Dreeszen offered amendment S—3704 filed by him on May 7, 1981, to pages 1, 2 and 3 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3704 be adopted?” (S.F. 560) the vote was:

Ayes, 18:

Bisenius	Briles	Coleman	Dreeszen
Gallagher	Goodwin	Hulse	Husak
Hutchins	Kudart	Lura	Priebe
Ramsey	Schwengels	Taylor	Vande Hoef
Waldstein	Yenger		

Nays, 26:

Anderson	Baughner	Carney	Carr
Craft	DeKoster	Deluhery	Doyle
Gentleman	Gratias	Hester	Holden
Hultman	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Readinger
Rodgers	Rush	Slater	Tieden
Van Gilst	Wells		

Absent or not voting, 6:

Brown	Comito	Drake	Jensen
Murray	Small		

Amendment S—3704 lost.

Senator Rodgers offered amendment S—3741 filed by Senators Rodgers, et al., on May 12, 1981, to pages 1, 2, 3 and 8 of the bill.

Senator Craft offered amendment S—3745 filed by him on May 13, 1981, to page 1 of amendment S—3741.

Senator Craft raised the point of order that amendment S—3745 to amendment S—3741 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3745 to amendment S—3741 in order.

Senator Hultman asked and received unanimous consent that further action on amendment S—3741 and amendment S—3745 to amendment S—3741 be temporarily deferred.

Senator Readinger withdrew amendments S—3746, S—3747 and S—3748 filed by him on May 13, 1981, to page 1 of amendment S—3741.

Senator Dreeszen offered amendment S—5013 filed by him on January 21, 1982, to page 1 of the bill.

On the question “Shall amendment S—5013 be adopted?” (S.F. 560) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Baughner	Bisenius	Briles	Coleman
Dreeszen	Gallagher	Goodwin	Gratias
Hulse	Husak	Hutchins	Kudart
Lura	Priebe	Schwengels	Taylor
Vande Hoef	Waldstein	Yenger	

Nays, 26:

Anderson	Brown	Carney	Carr
Craft	DeKoster	Deluhery	Doyle
Gentleman	Hester	Holden	Hultman
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Ramsey	Readinger
Rodgers	Rush	Slater	Tieden
Van Gilst	Wells		

Absent or not voting, 5:

Comito	Drake	Jensen	Murray
Small			

Amendment S—5013 lost.

Senator Dreeszen offered amendment S—5014 filed by him on January 21, 1982, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5014 be adopted?” (S.F. 560) the vote was:

Ayes, 13:

Coleman	Dreeszen	Goodwin	Gratias
Hulse	Kudart	Lura	Nystrom
Priebe	Ramsey	Schwengels	Vande Hoef
Yenger			

Nays, 29:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Craft
DeKoster	Deluhery	Doyle	Gentleman
Hester	Holden	Hultman	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Readinger	Rodgers	Rush
Slater	Tieden	Van Gilst	Waldstein
Wells			

Absent or not voting, 8:

Comito	Drake	Gallagher	Husak
Jensen	Murray	Small	Taylor

Amendment S—5014 lost.

Senator Readinger offered amendment S—3706 filed by him on May 7, 1981, to pages 2, 3 and 5 of the bill and moved its adoption.

Amendment S—3706 was adopted by a voice vote.

With the adoption of amendment S—3706, the Chair ruled amendment S—3727 filed by Senator Taylor on May 11, 1981, to pages 2, 3, 5 and 6 of the bill, out of order.

Senator Lura withdrew amendment S—3673 filed by him on May 5, 1981, to page 3 of the bill.

Senator Lura offered amendment S—5015 filed by him on January 21, 1982, to page 3 of the bill and moved its adoption.

President Branstad took the chair at 11:20 a.m.

A record roll call was requested.

On the question "Shall amendment S—5015 be adopted?" (S.F. 560) the vote was:

Ayes, 7:

Gallagher	Goodwin	Gratias	Hulse
Husak	Lura	Taylor	

Nays, 39:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Dreeszen	Gentleman	Hester	Holden
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Absent or not voting, 4:

Comito	Drake	Jensen	Murray
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Amendment S—5015 lost.

Senator Briles offered amendment S—5018 filed by him on January 21, 1982, to page 4 of the bill.

Senator Junkins asked and received unanimous consent that action on amendment S—5018 be temporarily deferred.

The Senate resumed consideration of amendment S—3741 by Senators Rodgers, et al., to pages 1, 2, 3 and 8 of the bill, previously deferred.

Senator Craft withdrew amendment S—3745 to page 1 of amendment S—3741, previously deferred.

Senator Hutchins asked and received unanimous consent to withdraw amendment S—5023 filed by Senators Hutchins and Priebe from the floor to pages 1 and 2 of amendment S—3741.

Senator Craft offered amendment S—5027 filed by Senators Craft, et al., from the floor to page 1 of amendment S—3741.

Senator Junkins asked and received unanimous consent that action on amendment S—5027 to amendment S—3741 and amendment S—3741 be temporarily deferred.

Senator Taylor offered amendment S—5009 filed by him on January 21, 1982, to page 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5009 be adopted?" (S.F. 560) the vote was:

Ayes, 6:

Bisenius	Gallagher	Gratias	Lura
Taylor	Vande Hoef		

Nays, 40:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Tieden
Van Gilst	Waldstein	Wells	Yenger

Absent or not voting, 4:

DeKoster	Holden	Jensen	Murray
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Amendment S—5009 lost.

Senator Readinger offered amendment S—3742 filed by him on May 12, 1981, to page 8 of the bill.

Senator Baugher asked and received unanimous consent that action on amendment S—3742 be temporarily deferred.

(Action on Senate File 560 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 11:55 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2080, by Committee on Ways and Means, a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed, providing penalties, and making certain provisions effective April 1, 1982 after publication and other provisions effective January 1, 1983.

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

Senate File 2081, by Doyle, a bill for an act relating to the permissible manners of accomplishing service of process outside of this state in small claims actions.

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

Senate File 2082, by Bisenius, a bill for an act authorizing the ownership of agricultural land by nonresident aliens, foreign businesses, or foreign governments, and providing a penalty for violations.

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

Senate File 2083, by Vande Hoef, a bill for an act authorizing counties to contract for criminalistics laboratory services as an alternative to using the state criminalistics laboratory, and providing for the assessment of the costs of these services against defendants.

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

Senate File 2084, by Committee on State Government, a bill for an act making technical corrections to descriptions of legislative districts effective for the 1982 general election.

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

Senate File 2085, by Baugher, a bill for an act providing an exemption from the workers' compensation law for self-employed persons and their partners, and designated family members of both and for family corporations, and providing a civil penalty and a January 1 effective date.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

WITHDRAWN

Senator Holden asked and received unanimous consent that **Senate File 481** be withdrawn from further consideration of the Senate.

BUSINESS PENDING

Senate File 560

The Senate resumed consideration of Senate File 560 and amendment S—3741 by Senators Rodgers, et al., to pages 1, 2, 3 and 8 of the bill, previously deferred.

Senator Craft asked and received unanimous consent to withdraw amendment S—5027 by Senators Craft, et al., to page 1 of amendment S—3741, previously deferred.

Senator Taylor asked and received unanimous consent that action on amendment S—5028 filed by him from the floor to page 1 of amendment S—3741 be temporarily deferred.

Senator Craft offered amendment S—5031 filed by Senators Craft, et al., from the floor to page 1 of amendment S—3741 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5031 to amendment S—3741 be adopted?" (S.F. 560) the vote was:

Ayes, 26:

Bisenius	Briles	Carney	Craft
DeKoster	Doyle	Drake	Dreeszen
Gentleman	Hester	Hulse	Hultman
Hutchins	Junkins	Miller, C.P.	Nystrom
Ramsey	Readinger	Rodgers	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Wells	Yenger		

Nays, 22:

Anderson	Baughner	Brown	Carr
Coleman	Comito	Deluhery	Gallagher
Goodwin	Gratias	Holden	Husak
Kinley	Kudart	Lura	Miller, A.V.
Palmer	Priebe	Rush	Schwengels
Slater	Waldstein		

Absent or not voting, 2:

Jensen	Murray
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Amendment S—5031 was adopted.

With the adoption of amendment S—5031 to amendment S—3741, the Chair ruled amendment S—5028 by Senator Taylor to page 1 of amendment S—3741, previously deferred, out of order.

Senator Rodgers moved the adoption of amendment S—3741, as amended.

A record roll call was requested.

On the question "Shall amendment S—3741, as amended, be adopted?" (S.F. 560) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Baughner	Bisenius	Brown	Carney
Carr	Doyle	Gentleman	Junkins
Kinley	Kudart	Palmer	Readinger
Rodgers	Rush	Slater	Small
Taylor	Wells		

Nays, 30:

Anderson	Briles	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Ramsey
Schwengels	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Absent or not voting, 2:

Jensen	Murray
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Amendment S—3741, as amended, lost.

Senator Dreeszen offered amendment S—5032 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5032 was adopted by a voice vote.

Senator Van Gilst offered amendment S—3708 filed by him on May 7, 1981, to pages 2, 3, 6, 7, 8 and to the title page of the bill.

Senator Van Gilst asked and received unanimous consent that action on amendment S—3708 be temporarily deferred.

Senator Briles moved the adoption of amendment S—5018 to page 4 of the bill, previously deferred.

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 24.

The Chair voted "aye" to break the tie and amendment S—5018 was adopted.

(Action on Senate File 560 pending on adjournment.)

APPENDIX**STUDY BILLS RECEIVED****S.S.B. 2101 Education**

Relating to health education requirements.

S.S.B. 2102 Education

Relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

S.S.B. 2103 Education

Relating to the method of election of boards of directors of reorganized school districts.

S.S.B. 2104 Judiciary

Relating to the hearing of small claims appeals.

S.S.B. 2105 Agriculture

Relating to permits to sell seeds.

S.S.B. 2106 Judiciary

Prohibiting the use, possession, delivery, manufacture, and advertisement of drug-related objects with the intent that the objects will be used in connection with an illegal use of controlled substances, and providing for civil use of controlled substances, and providing for civil forfeiture and criminal penalties.

S.S.B. 2107 Judiciary

Relating to the perfection for purposes of appeal of an objection to the place of trial of a criminal action.

S.S.B. 2108 Judiciary

Correcting chapter 805, as necessary to assure that court costs are six dollars in all misdemeanor cases originating out of a citation issued by a peace officer.

COMMUNICATION

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

COMMISSION ON PROFESSIONAL AND OCCUPATIONAL REGULATION

A copy of the Annual Report for the Fiscal Year 1981 prepared by the Commission on Professional and Occupational Regulation, pursuant to Sec. 2A.3, Code 1981.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2071	State Government
S. F.	2072	Labor and Industrial Relations
S. F.	2073	State Government
S. F.	2074	Energy
S. F.	2075	Judiciary
S. F.	2076	Education
S. F.	2077	Education
S. F.	2078	Education
S. C.R.	101	Rules and Administration

FURTHER REPORTS OF COMMITTEE MEETINGS

COUNTY GOVERNMENT*

*A previous report of this meeting was recorded on pages 136-138 and 160-161 of the Senate Journal.

Final Bill Action: HOUSE FILE 834, a bill for an act relating to office hours for county offices.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Vande Hoef. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

STATE GOVERNMENT*

*A previous report of this meeting was recorded on pages 166-167 of the Senate Journal.

Final Bill Action: SENATE FILE 2084 (SSB 2059), a bill for an act making technical corrections to descriptions of legislative districts effective for the 1982 general election.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

Convened: January 21, 1982, 10:30 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member and Dreeszen.

Members Absent: Hutchins (excused) and Nystrom.

Other Committee Business: Presentation on nonpublic school transportation by Mrs. Jonnie Cassell, Senate Intern.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON MENTAL HEALTH AND CORRECTIONS

Convened: January 21, 1982, 10:50 a.m.

Members Present: Baugher, Chair; Doyle, Ranking Member; DeKoster, Deluhery and Gentleman.

Members Absent: none.

Other Committee Business: Discussion and questions by Hal Farrier on overview of adult corrections.

Adjourned: 12:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 21, 1982, 10:32 a.m.

Members Present: Jensen, Chair; Rush, Ranking Member; Gratiyas, Hulse and C. Miller.

Members Absent: none.

Other Committee Business: Commerce Commission members presented performance audit program as required in House File 771; Secretary of State presented an update on computerization of UCC & Corporate Divisions and how it relates to the operation of Iowa Search.

Adjourned: 11:34 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 21, 1982, 10:42 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Larry Jackson, Director, Field Operations, gave presentation.

Adjourned: 12:03 p.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 21, 1982, 10:35 a.m.

Members Present: Schwengels, Chair and Wells.

Members Absent: Carr, Ranking Member and Taylor (both excused) and Lura.

Other Committee Business: Budget presentation by State Library and Department of General Services.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 21, 1982, 10:35 a.m.

Members Present: Bisenius, Chair; Coleman, Ranking Member; Anderson, Drake and Holden.

Members Absent: none.

Other Committee Business: Presentation by Donald McClean of the Department of Transportation.

Adjourned: 11:07 a.m.

EDUCATION

Convened: January 21, 1982, 3:08 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees; SSB 2060 and SSB 2064 ordered redrafted as committee bills; distributed a print-out from LSB explaining the comparison of K-12 funding for 1983, comparing current law provisions with the Governor's proposal including a \$6.00 bonus.

Adjourned: 3:25 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: January 21, 1982, 8:30 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias (arrived 8:38 a.m.), Hultman and Wells.

Members Absent: Kinley.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:40 a.m.

WAYS AND MEANS

Convened: January 21, 1982, 1:40 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Junkins (excused).

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:30 p.m.

WAYS AND MEANS

Convened: January 25, 1982, 9:15 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Hester, Holden, Hultman, Husak, Junkins, Palmer, Priebe and Rush.

Members Absent: Rodgers, Ranking Member; Lura, Ramsey, Taylor and Van Gilst.

Final Bill Action: SENATE FILE 2080 (SSB 2014), a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected or use tax collected or owed, providing penalties, and making certain provisions effective April 1, 1982 after publication and other provisions effective January 1, 1983.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Readinger, Hester, Holden, Hultman, Husak, Junkins, Palmer, Priebe and Rush. Nays, none. Absent or not voting, 5: Rodgers, Lura, Ramsey, Taylor and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:20 a.m.

PETITIONS

The following petitions favoring removal of the Iowa State Penitentiary from any management responsibilities of the Department of Social Services were presented and placed on file by:

Senator Miller of Des Moines from seven hundred twenty-five residents of southeast Iowa.

Senator Junkins from seven hundred thirty-eight residents of Iowa.

The following petition was presented and placed on file by:

Senator DeKoster from two hundred eighty-three residents of Polk County favoring legislation amending the juvenile code.

AMENDMENTS FILED

S-5021	S. F.	560	C.W. Bill Hutchins Berl E. Priebe
S-5022	S. F.	560	Rolf V. Craft
S-5023	S. F.	560	C.W. Bill Hutchins Berl E. Priebe
S-5024	S. F.	525	Lucas J. DeKoster
S-5025	S. F.	2080	Rolf V. Craft
S-5026	S. F.	560	David M. Readinger
S-5027	S. F.	560	Rolf V. Craft C.W. Bill Hutchins Lowell L. Junkins David M. Readinger
S-5028	S. F.	560	Ray Taylor
S-5029	S. F.	525	Tom Slater
S-5030	S. F.	525	Tom Slater
S-5031	S. F.	560	Rolf V. Craft C.W. Bill Hutchins Lowell L. Junkins David M. Readinger
S-5032	S. F.	560	Elvie L. Dreeszen
S-5033	S. F.	560	Gary L. Baugher
S-5034	S. F.	560	Berl E. Priebe C. Joseph Coleman
S-5035	S. F.	560	Stephen W. Bisenius Richard Comito
S-5036	S. F.	560	David M. Readinger

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:30 p.m., until 9:00 a.m., Tuesday, January 26, 1982.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 26, 1982

The Senate met in regular session at 9:08 a.m., President pro tempore Ramsey presiding.

Prayer was offered by Father Robert Hedges, pastor of the St. Timothy's Episcopal Church, West Des Moines, Iowa.

The Journal of Monday, January 25, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patricia Heitman, D.O., Resident at Iowa Lutheran Hospital, Des Moines, Iowa.

INTRODUCTION OF BILLS

Senate File 2086, by Waldstein and Holden, a bill for an act exempting individual farm owner accounts from examination by the Iowa real estate commission.

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

Senate File 2087, by Anderson, a bill for an act to allow the retailer a credit or discount in paying sales tax receipts due the state.

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

Senate File 2088, by Committee on Education, a bill for an act to authorize a property tax levy by school districts for a cash reserve.

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

Senate File 2089, by Committee on Education, a bill for an act permitting school districts to combine the positions of secretary and treasurer.

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

WITHDRAWN

Senator Gratias asked and received unanimous consent that **Senate File 467** be withdrawn from further consideration of the Senate.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:20 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2090, by Vande Hoef, a bill for an act relating to procedures to be followed by drainage districts in which are located ditches, drains, or natural watercourses constituting common outlets, when certain work is necessary upon such common outlets.

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

Senate File 2091, by Committee on Transportation, a bill for an act to increase the rate of the excise tax on gasohol.

Read first time and referred to the committee on **Ways and Means**.

Senate File 2092, by Carr, a bill for an act relating to the price to be paid by electric utilities for electric energy purchased from co-generation facilities and small power production facilities, and providing a January 1 effective date.

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

Senate File 2093, by DeKoster, a bill for an act creating a commission to appoint the state appellate defender.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

UNFINISHED BUSINESS (Pending January 25, 1982)

Senate File 560

The Senate resumed consideration of Senate File 560, a bill for an act relating to the imposition of local option income surtax, earnings tax, or vehicle tax by a city or county and providing for penalties and amendments S—3708 by Senator Van Gilst and S—3742 by Senator Readinger, deferred on January 25, 1982.

Senator Readinger called for a division of amendment S—3708 to pages 2, 3, 6, 8 and the title page of the bill as follows:

Division S—3708A: Page 1, lines 2 through 5, lines 11 and 12, lines 15 through 17, lines 21 and 22 and lines 27 through 50; page 2, lines 1 through 21.

Division S—3708B: Page 1, lines 6 through 10, lines 13 and 14, lines 18 through 20 and lines 23 through 26; page 2, lines 22 and 23.

Senator Van Gilst moved the adoption of division S—3708A.

A record roll call was requested.

On the question "Shall division S—3708A be adopted?" (S.F. 560) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Anderson	Baughner	Briles	Coleman
Comito	Craft	Deluhery	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Husak
Hutchins	Jensen	Lura	Miller, A.V.

Nystrom
Schwengels
Yenger

Priebe
Taylor

Ramsey
Vande Hoef

Rodgers
Van Gilst

Nays, 21:

Bisenius
DeKoster
Junkins
Murray
Slater
Wells

Brown
Doyle
Kinley
Palmer
Small

Carney
Gentleman
Kudart
Readinger
Tieden

Carr
Hultman
Miller, C.P.
Rush
Waldstein

Division S—3708A was adopted.

Senator Van Gilst moved the adoption of division S—3708B.

A record roll call was requested.

On the question "Shall division S—3708B be adopted?" (S.F. 560) the vote was:

Ayes, 20:

Anderson
Comito
Gallagher
Husak
Nystrom

Baughner
Deluhery
Goodwin
Hutchins
Priebe

Briles
Drake
Gratias
Kudart
Van Gilst

Coleman
Dreeszen
Hulse
Lura
Yenger

Nays, 29:

Bisenius
Craft
Holden
Kinley
Palmer
Rush
Taylor
Wells

Brown
Doyle
Hultman
Miller, A.V.
Ramsey
Schwengels
Tieden

Carney
Gentleman
Jensen
Miller, C.P.
Readinger
Slater
Vande Hoef

Carr
Hester
Junkins
Murray
Rodgers
Small
Waldstein

Absent or not voting, 1:

DeKoster

Division S—3708B lost.

With the adoption of division S—3708A, the Chair ruled amendment S—5022 filed by Senator Craft on January 25, 1982, to pages 2, 3, 6, 7, 8 and the title page of the bill, out of order.

Senator Kinley offered amendment S—3629 filed by him on May 4, 1981, to page 8 and the title page of the bill.

Senator Readinger raised the point of order that amendment S—3629 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3629 out of order.

Senator Lura withdrew amendment S—5016 filed by him on January 21, 1982, to page 8 of the bill.

(Senate File 560 pending on adjournment.)

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 26th day of January, 1982.

Senate File 511.

K. MARIE THAYER
Secretary of the Senate

STUDY BILLS RECEIVED**S.S.B. 2109 Education**

To increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

S.S.B. 2110 Education

To continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

S.S.B. 2111 State Government

Relating to the requirements for certifications as an ophthalmic dispenser.

S.S.B. 2112 Natural Resources

To provide the Iowa natural resources council with authority to require compensation for well interference.

S.S.B. 2113 Natural Resources

To provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences.

S.S.B. 2114 Natural Resources

To remove the requirement of a permit from the department of environmental quality for sewer and water supply systems that are reviewed by a city or county public works department and approved by an engineer as meeting the Iowa standards for sewer systems and water supply distribution systems.

S.S.B. 2115 Judiciary

Pertaining to adoption notices as states in Section 600.12 of the Code.

S.S.B. 2116 Judiciary

To establish a child abuse prevention pilot program, adjust the fees on marriages and dissolution of marriages to fund the program, and making an appropriation.

REPORT OF INVESTIGATING COMMITTEE
(Place Nominee on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Transportation assigned to investigate the character and qualifications of Conrad A. Amend, Des Moines, Polk County, Iowa, for appointment as Superintendent of the Transportation Regulation Authority under the provisions of Section 307.15, as amended by Chapter 22, Acts of the Sixty-ninth General Assembly, 1981 Regular Session, for a term beginning January 1, 1982, and ending April 30, 1988, begs leave to report is made investigation and recommends the appointment be confirmed.

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chair

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2079	Judiciary
S. F.	2081	Judiciary
S. F.	2082	Agriculture
S. F.	2083	Judiciary
S. F.	2085	Labor and Industrial Relations

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Bill Action: HOUSE CONCURRENT RESOLUTION 102, a resolution honoring the State Historical Society on its 125th anniversary and designating the week of January 24 through January 30, 1982 as State Historical Society of Iowa Week.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Junkins, Ramsey, Holden and Kinley. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

FURTHER
REPORT OF COMMITTEE MEETING

EDUCATION*

*A previous report of this meeting was recorded on page 187 of the Senate Journal.

Final Bill Action: SENATE FILE 2088 (SSB 2064), a bill for an act to authorize a property tax levy by school districts for a cash reserve.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2089 (SSB 2060), a bill for an act permitting school districts to combine the positions of secretary and treasurer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: January 25, 1982, 3:00 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, DeKoster, Husak, Priebe and Rush.

Members Absent: Craft and Jensen.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 3:10 p.m.

EDUCATION

Convened: January 25, 1982, 1:30 p.m.

Members Present: Grattias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Small, Taylor and Wells.

Members Absent: Jensen (excused).

Other Committee Business: Assigned bills to subcommittees; SSB 2061 ordered redrafted as a committee bill.

Adjourned: 1:55 p.m.

JUDICIARY

Convened: January 26, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Taylor and Deluhery (arrived 3:20 p.m.).

Members Absent: Small.

Final Bill Action: SENATE FILE 367, a bill for an act relating to money received by criminals as a result of the commission of crime.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5038.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Taylor and Deluhery. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 3:35 p.m.

STATE GOVERNMENT

Convened: January 25, 1982, 1:35 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair (arrived 1:40 p.m.); Slater, Ranking Member; Briles, Carr, Craft, Drake, Gallagher, Gentleman (arrived 1:44 p.m.), Hutchins, C. Miller, Schwengels and Tieden.

Members Absent: Palmer.

Other Committee Business: Senate Files 446 and 2007 failed recommendation for passage; assigned Senate File 2069 and House File 828 to subcommittees; discussed Senate File 190—no final action taken.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: January 21, 1982, 12:00 noon.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Bisenius, Comito, A. Miller, Murray and Nystrom.

Members Absent: Doyle and Hutchins.

Final Bill Action: SENATE FILE 2091 (SSB 2056), a bill for an act to increase the rate of the excise tax on gasohol.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Drake, Jensen, Bisenius, Comito, Murray and Nystrom. Nays, 2: Coleman and A. Miller. Absent or not voting, 2: Doyle and Hutchins.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Announced subcommittee assignments and public hearing.

Adjourned: 12:20 p.m.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5018 to

Senate File 560 was adopted by the Senate on January 25, 1982.

ELVIE L. DREESZEN

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 committee to prepare suitable memorial resolutions.

Boothby, L.M., Cleghorn

Arne Waldstein, Chair
Lucas J. DeKoster
Berl E. Priebe

Clarke, Hugh H., Des Moines

Ray Taylor, Chair
John N. Nystrom
William D. Palmer

Dykhouse, Jans T., Rock Rapids

Lucas J. DeKoster, Chair
Donald V. Doyle
Richard Vande Hoef

Hoschek, Carl, Burlington

Charles P. Miller, Chair
Richard F. Drake
Lowell L. Junkins

DALE L. TIEDEN, Chair
C.W. BILL HUTCHINS
MICK LURA
BASS VAN GILST

AMENDMENTS FILED

S—5037	S. F.	560	Lowell L. Junkins James E. Briles Elvie L. Dreeszen
S—5038	S. F.	367	Judiciary Committee
S—5039	S. F.	560	Berl E. Priebe

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:35 p.m., until 9:00 a.m., Wednesday, January 27, 1982.

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 27, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

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

The Journal of Tuesday, January 26, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Brian Heineman, D.O., Story City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator DeKoster for the day on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 25, 1982, passed the following bills in which the concurrence of the House was asked:

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

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

ALSO: That the House on January 25, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course.

This bill was read first time and **passed on file**.

ALSO: That the House has on January 25, 1982, passed (with amendment H—5003 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

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

This bill was read first time and **passed on file**.

INTRODUCTION OF BILLS

Senate File 2094, by Schwengels, a bill for an act relating to the computation of the state individual income tax by allowing a deduction for contributions made to a trust which is created for the purpose of funding the purchase of the taxpayer's first principal residence and providing for increased tax liability as a penalty for use of funds in the trust under certain circumstances, and providing a January 1 effective date.

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

Senate File 2095, by Anderson, Comito, Drake, DeKoster, Baugher, Yenger, Brown, Carr, Palmer and Small, a bill for an act relating to the imposition of an additional tax of two percent on the gross receipts of oil companies, and providing penalties.

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

Senate File 2096, by DeKoster and Wells, a bill for an act to provide for an addition to the state percent of growth under the state school foundation program to fund elementary guidance and counseling programs for school districts beginning with the school year commencing July 1, 1983.

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

RECESS

On motion of Senator Hultman, the Senate recessed at 9:25 a.m., until 3:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:15 p.m., Senator Carney presiding.

INTRODUCTION OF BILLS

Senate File 2097, by Kudart and Rush, a bill for an act allowing the certification of floor plans for a building as required under chapter 499B by a registered land surveyor.

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

Senate File 2098, by Committee on Ways and Means, a bill for an act relating to county finances by requiring annual budgets and reports, consolidating funds and levies and establishing levy limitations, expanding the duties and tenure of the county finance committee, providing for current and noncurrent debt, making coordinating amendments, and providing penalties.

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

Senate File 2099, by Palmer, Junkins, Doyle, Brown, Miller of Cerro Gordo, Gallagher, Husak, Anderson, Rodgers, Van Gilst, Miller of Des Moines, Slater, Carr, Coleman, Hutchins, Rush and Wells, a bill for an act relating to the creation of the Iowa corrective facility finance authority for the purpose of issuing bonds for the construction of minimum and maximum security penal facilities.

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

Senate File 2100, by Committee on Transportation, a bill for an act relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license.

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

WITHDRAWN

Senator Miller of Des Moines asked and received unanimous consent that **Senate File 25** be withdrawn from further consideration of the Senate.

President Branstad took the chair at 3:20 p.m.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

UNFINISHED BUSINESS (Pending on January 26, 1982)

Senate File 560

The Senate resumed consideration of Senate File 560, a bill for an act relating to the imposition of local option income surtax earnings tax, or vehicle tax by a city or county and providing for penalties, pending on January 26, 1982, and amendment S—3742 by Senator Readinger, deferred on January 25, 1982.

Senator Priebe offered amendment S—5034 filed by Senators Priebe and Coleman on January 25, 1982, to pages 4 and 8 of the bill.

Senator Priebe offered amendment S—5039 filed by him on January 26, 1982, to amendment S—5034 and moved its adoption.

Amendment S—5039 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent that action on amendment S—5034, as amended, be deferred.

With the adoption of division S—3708A on January 26, 1982, the Chair ruled amendment S—5021 filed by Senators Hutchins and Priebe on January 25, 1982, to page 6 of the bill, out of order.

The Senate resumed consideration of amendment S—3742 by Senator Readinger to page 8 of the bill, deferred on January 25, 1982.

Senator Readinger asked unanimous consent to withdraw amendment S—3742.

Senator Readinger withdrew his request.

Senator Baugher offered amendment S—5033 filed by him on January 25, 1982, to amendment S—3742 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5033 to amendment S—3742 be adopted?” (S.F. 560) the vote was:

Ayes, 10:

Baugher	Coleman	Comito	Dreeszen
Hulse	Husak	Lura	Priebe
Ramsey	Taylor		

Nays, 38:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Craft	Deluhery
Doyle	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hultman	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Absent or not voting, 2:

DeKoster	Jensen
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Amendment S—5033 lost.

Senator Bisenius offered amendment S—5035 filed by Senators Bisenius and Comito on January 25, 1982, to amendment S—3742 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5035 to amendment S—3742 be adopted?” (S.F. 560) the vote was:

Ayes, 14:

Baugher	Bisenius	Coleman	Comito
Dreeszen	Gratias	Hulse	Husak
Jensen	Lura	Priebe	Ramsey
Slater	Taylor		

Nays, 35:

Anderson	Briles	Brown	Carney
Carr	Craft	Deluhery	Doyle
Drake	Gallagher	Gentleman	Goodwin
Hester	Holden	Hultman	Hutchins
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Readinger	Rodgers	Rush	Schwengels
Small	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Absent or not voting, 1:

DeKoster

Amendment S—5035 lost.

Senator Comito withdrew amendment S—5044 filed by him from the floor to amendment S—3742.

Senator Readinger withdrew amendment S—5036 filed by him on January 25, 1982, to amendment S—3742.

Senator Readinger offered amendment S—5046 filed by him from the floor to amendment S—3742 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5046 to amendment S—3742 be adopted?” (S.F. 560) the vote was:

Ayes, 32:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Priebe	Readinger
Rodgers	Rush	Slater	Small
Tieden	Vande Hoef	Wells	Yenger

Nays, 17:

Bisenius	Briles	Comito	Craft
Gallagher	Goodwin	Gratias	Hester
Holden	Kinley	Kudart	Palmer
Ramsey	Schwengels	Taylor	Van Gilst
Waldstein			

Absent or not voting, 1:

DeKoster

Amendment S—5046 was adopted.

With the adoption of amendment S—5046, the Chair ruled amendment S—5045 filed by Senator Readinger from the floor to amendment S—3742, out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kinley for the remainder of the day and January 28, 1982, on request of Senator Junkins.

BUSINESS PENDING

The Senate resumed consideration of Senate File 560.

Senator Lura offered amendment S—5047 filed by him from the floor to amendment S—3742 and moved its adoption.

A non record roll call was requested.

The ayes were 17, nays 28.

Amendment S—5047 lost.

Senator Readinger moved the adoption of amendment S—3742 as amended.

A record roll call was requested.

On the question "Shall amendment S—3742, as amended, be adopted?" (S.F. 560) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 35:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Comito	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Hester	Hulse	Hultman	Husak

Hutchins	Jensen	Junkins	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Nays, 13:

Bisenius	Briles	Craft	Gallagher
Goodwin	Gratias	Holden	Kudart
Lura	Palmer	Ramsey	Small
Van Gilst			

Absent or not voting, 2:

DeKoster	Kinley
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Amendment S—3742, as amended, was adopted.

With the adoption of amendment S—3742, as amended, the Chair ruled the following amendments out of order:

S—3750 filed by Senator Readinger on May 13, 1981, to pages 8 and 9 of the bill.

S—5005 filed by Senators Baugher and Comito on January 21, 1982, to amendment S—3750.

S—5026 filed by Senator Readinger on January 25, 1982, to amendment S—3750.

S—5034 by Senators Priebe and Coleman to pages 4 and 8 of the bill, amended and previously deferred.

Senator Priebe offered amendment S—5048 filed by Senators Priebe and Jensen from the floor to pages 2, 3, 5 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 not well taken and amendment S—5048 in order.

Senator Priebe moved the adoption of amendment S—5048 and requested a record roll call.

On the question "Shall amendment S—5048 be adopted?" (S.F. 560) 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	Comito
Deluhery	Gallagher	Gratias	Hulse
Hutchins	Jensen	Junkins	Kudart
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Rodgers	Rush	Taylor
Van Gilst			

Nays, 27:

Anderson	Briles	Carney	Carr
Coleman	Craft	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Hester
Holden	Hultman	Husak	Lura
Miller, A.V.	Murray	Readinger	Schwengels
Slater	Small	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Absent or not voting, 2:

DeKoster	Kinley
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Amendment S—5048 lost.

Senator Dreeszen called up the motion to reconsider the vote by which the Senate adopted amendment S—5018 to Senate File 560 on January 25, 1982, filed by him on January 26, 1982, found on pages 199-200 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5018 by Senator Briles to page 4 of the bill, was taken up for reconsideration.

Senator Junkins offered amendment S—5037 filed by Senators Junkins, Briles and Dreeszen on January 26, 1982, to amendment S—5018 and moved its adoption.

A non record roll call was requested.

The ayes were 43, nays 2.

Amendment S—5037 was adopted.

Senator Briles moved the adoption of amendment S—5018, as amended.

A non record roll call was requested.

The ayes were 41, nays 4.

Amendment S—5018, as amended, was adopted.

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—3742 to Senate File 560 was adopted by the Senate on January 27, 1982.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 560) the vote was:

Ayes, 15:

Baughner	Bisenius	Comito	Dreeszen
Goodwin	Gratias	Hulse	Hultman
Husak	Lura	Nystrom	Priebe
Ramsey	Schwengels	Taylor	

Nays, 32:

Anderson	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Hester	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Murray
Palmer	Readinger	Rodgers	Rush
Slater	Small	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Absent or not voting, 3:

Doyle	Holden	Kinley
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The motion lost.

The Chair ruled the following motion to reconsider filed by Senator Hultman from the floor, out of order:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5047 to amendment S—3742 to Senate File 560 failed to be adopted by the Senate on January 27, 1982.

Senator Readinger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 560) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bisenius	Briles	Brown	Carney
Carr	Comito	Craft	DeKoster
Doyle	Hester	Holden	Hultman
Junkins	Miller, A.V.	Miller, C.P.	Murray
Ramsey	Rush	Slater	Small
Tieden	Vande Hoef	Waldstein	Wells

Nays, 25:

Anderson	Baughner	Coleman	Deluhery
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hulse	Husak
Hutchins	Jensen	Kudart	Lura
Nystrom	Palmer	Priebe	Readinger
Rodgers	Schwengels	Taylor	Van Gilst
Yenger			

Absent or not voting, 1:

Kinley

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

INTRODUCTION OF BILL

Senate File 2101, by Committee on Judiciary, a bill for an act amending the schedule of controlled substances.

Read first time and placed on calendar.

BILL REFERRED TO COMMITTEE

President Branstad announced that **Senate File 2088** was referred from the Regular Calendar to the committee on **Ways and Means** under Senate Rule 37.

APPENDIX

STUDY BILLS RECEIVED

S.S.B. 2117 Transportation

Permitting the movement on the highways of combinations of vehicles coupled together used exclusively for the transportation of recreational vehicle chassis which extend the load up to three feet beyond the front and rear bumpers of the transporting vehicle if the overall length of the vehicle with load does not exceed sixty-five feet.

S.S.B. 2118 Transportation

To allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

S.S.B. 2119 Ways and Means

To eliminate refunds on aviation gasoline tax used by nonagricultural operators.

COMMUNICATIONS

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

IOWA SUPREME COURT

Pursuant to sections 813.4 and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing 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:

- Rule 5(4)
- Rule 6(4)(b)
- Rule 8(1)
- New Rule 8.1
- Rule 10(4)
- Rule 12
- Rule 17(1)
- Rule 18
- Rule 21(1)
- Rule 21(5)

Rule 27(2)(c)
Rule 30
Rule 52
Rule 54

ALSO:

Pursuant to sections 684.18(1) and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing 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:

Rule 82(g)
Rule 136(b)
Rule 138.1
Rule 187(a)
Rule 215
Rule 309
Rule 371

ALSO:

Pursuant to sections 229.40 and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing 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:

Rule 3(B)
Rule 32
Form 29
Form 30

REPORT OF INVESTIGATING COMMITTEE
(Place Nominee on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Energy assigned to investigate the character and qualifications of Robert F. Tyson, Ankeny, Polk County, Iowa, for appointment as Director of Energy Policy under the provisions of Section 93.3, Code of Iowa, for a term beginning August 17, 1981, to serve at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON ENERGY
DICK RAMSEY, Chair

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2086	Commerce
S. F.	2087	Ways and Means
S. F.	2090	Natural Resources
S. F.	2092	Commerce
S. F.	2093	State Government

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 26, 1982, 9:30 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger, A. Miller and Kudart.

Members Absent: none.

Other Committee Business: Presentations by the Commission on Aging and the Iowa Department of Substance Abuse.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 26, 1982, 9:30 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Finalized supplemental budget requests.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 26, 1982, 9:30 a.m.

Members Present: Jensen, Chair; Rush, Ranking Member; Gratias, Hulse and C. Miller.

Members Absent: none.

Other Committee Business: Members of the Banking Department and the Credit Union Department appeared before the committee—discussion followed; made decisions on the Iowa Beer and Liquor Control Department.

Adjourned: 11:03 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 26, 1982, 10:08 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Convened and did not conduct any business.

Adjourned: 11:14 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 26, 1982, 9:35 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Lura and Wells.

Members Absent: Taylor.

Other Committee Business: Supplemental appropriation presentations by the Judicial Department and the Prosecuting Attorneys' Training Coordinator.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 26, 1982, 9:35 a.m.

Members Present: Bisenius, Chair; Coleman, Ranking Member; Anderson, Drake and Holden.

Members Absent: none.

Other Committee Business: Presentations of Office of Disaster Services and Department of Public Safety.

Adjourned: 10:40 a.m.

AGRICULTURE

Convened: January 26, 1982, 8:07 a.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Dreeszen, Hulse, Husak, A. Miller, Vande Hoef, Waldstein and Van Gilst (arrived 8:15 a.m.).

Members Absent: none.

Other Committee Business: Discussed House File 53, home baking bill; assigned bills to subcommittees.

Adjourned: 8:55 a.m.

CITIES

Convened: January 27, 1982, 3:00 p.m.

Members Present: Readinger, Chair; Comito, Vice Chair; A. Miller, Ranking Member; Slater, Kinley, Wells, Waldstein, Holden and Carney.

Members Absent: none.

Final Bill Action: HOUSE FILE 797, a bill for an act relating to the certified eligible list for promotion for city civil service.

Recommendation: DO PASS.

Final Vote: Ayes, 9; Readinger, Comito, A. Miller, Slater, Kinley, Wells, Waldstein, Holden and Carney. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned Senate File 2065 to subcommittee.

Adjourned: 3:07 p.m.

COUNTY GOVERNMENT

Convened: January 26, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 3:10 p.m.

JUDICIARY

Convened: January 27, 1982, 3:00 p.m.

Members Present: Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: DeKoster, Chair (excused).

Final Bill Action: SENATE FILE 2101 (SSB 2024), a bill for an act amending the schedule of controlled substances.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey and Taylor. Nays, none. Absent or not voting, 2: Deluhery and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 856, a bill for an act to legalize the proceedings of the city council of Chariton relating to the construction of certain buildings.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Kudart, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, 1: Rush. Absent or not voting, 1: DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:20 p.m.

NATURAL RESOURCES

Convened: January 27, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Gentleman, Kudart and Tieden.

Members Absent: Van Gilst, Ranking Member; Gallagher, Hutchins and Rodgers (excused).

Final Bill Action: HOUSE FILE 772, a bill for an act establishing a hunter safety and ethics education program and subjecting violators to a penalty, to be effective July 1, 1983.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Schwengels, Goodwin, Gentleman, Kudart and Tieden. Nays, none. Absent or not voting, 4: Van Gilst, Gallagher, Hutchins and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:30 a.m.

TRANSPORTATION

Convened: January 26, 1982, 1:45 p.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Bisenius, Comito, Doyle, Hutchins, A. Miller, Murray and Nystrom.

Members Absent: none.

Final Bill Action: SENATE FILE 2100 (SSB 2090), a bill for an act relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Drake, Jensen, Coleman, Doyle, Hutchins, A. Miller, Murray and Comito. Nays, none. Absent or not voting, 2: Bisenius and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed proposed legislation; recommended confirmation of Conrad A. Amend as Superintendent of the Transportation Regulation Authority.

Adjourned: 2:30 p.m.

WAYS AND MEANS

Convened: January 26, 1982, 1:43 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: none.

Final Bill Action: SENATE FILE 2098 (SSB 291), a bill for an act relating to county finances by requiring annual budgets and reports, consolidating funds and levies and establishing levy limitations, expanding the duties and tenure of the county finance committee, providing for current and noncurrent debt, making coordinating amendments, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Junkins, Palmer, Rush and Van Gilst. Nays, 2: Husak and Ramsey. Voting Present, 2: Lura and Taylor. Absent or not voting, 1: Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:30 p.m.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 560 failed to pass the Senate on January 27, 1982.

DAVID M. READINGER

AMENDMENTS FILED

S—5040	S. F.	2031	Charles P. Miller
S—5041	H.F.	396	Joe Brown
S—5042	S. F.	525	Tom Slater
S—5043	S. F.	2080	Ted Anderson
S—5044	S. F.	560	Richard Comito
S—5045	S. F.	560	David M. Readinger
S—5046	S. F.	560	David M. Readinger
S—5047	S. F.	560	Mick Lura
S—5048	S. F.	560	Berl E. Priebe
			John W. Jensen

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 6:15 p.m., until 9:00 a.m., Thursday, January 28, 1982.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 28, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by Dr. Wayne Hoffman, pastor of the West Minister Presbyterian Church, Des Moines, Iowa.

The Journal of Wednesday, January 27, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Spearing, M.D., Harlan, Iowa.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 26, 1982, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 105

By: Harbor, Anderson of Audubon, Anderson of Jasper, Arnould, Avenson, Bennett, Binneboese, Brandt, Branstad, Bruner, Byerly, Carl, Carpenter, Chiodo, Clark of Cerro Gordo, Clark of Lee, Clements, Cochran, Conlon, Connolly, Connors, Cook, Corey, Crabb, Daggett, Danker, Davitt, De Groot, Dieleman, Diemer, Doderer, Egenes, Fey, Gettings, Gross, Groth, Hall, Halvorson of Clayton, Halvorson of Webster, Hansen of O'Brien, Hanson of Delaware, Hoffmann-Bright, Holt, Horn, Howell, Hummel, Jay, Jochum, Johnson of Howard, Johnson of Linn, Johnson of Woodbury, Knapp, Krewson, Lageschulte, Lind, Lloyd-Jones, Loneragan, Mann, Maulsby, McKean, Menke, Miller, Mullins, Norland, O'Kane, Oxley, Pavich, Pellett, Pelton, Petrick, Poffenberger, Poncy, Pope, Rapp, Renaud, Renken, Ritsema, Rosenberg, Running, Schneekloth, Schroeder, Shull, Smalley, Smith, Spear, Stromer, Stueland, Sturgeon, Sullivan, Swartz, Swearingen, Tofte, Trucano, Tyrrell, Van Maanen, Walter, Welden, Welsh and Woods

- 1 *Whereas*, the goal of all college football teams is winning
- 2 their respective conference championship and obtaining an
- 3 appearance in a major post-season bowl game; and

4 *Whereas*, the Rose Bowl is symbolic of the championship of
5 the Big Ten Conference and is the granddaddy of all bowl games; and
6 *Whereas*, Coach Hayden Fry led his team to national attention
7 by demonstrating outstanding leadership throughout the 1981
8 football season and in the 1982 Rose Bowl game; and
9 *Whereas*, throughout the entire season the outstanding
10 performances of the Hawkeye Marching Band added enthusiasm, superior
11 accomplishments and class to the Hawkeyes' success; and
12 *Whereas*, Hawkeye fans all across the nation were loyal to
13 their team throughout the regular and post-season play and
14 indicated their pride by an excellent following to Pasadena; *Now*
15 *Therefore*,
16 *Be It Resolved by the House of Representatives, the Senate*
17 *Concurring*, That the state of Iowa and its loyal fans are proud
18 of the 1981 Hawkeye Football Team and by the adoption of this
19 resolution recognize that even though we may occasionally be
20 outscored, we never lose; and express confidence in the fact that
21 the Hawks will return to the Rose Bowl again; and
22 *Be It Further Resolved*, That copies of this resolution be
23 forwarded to Coach Hayden Fry, each team member and all staff
24 persons.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 2102, by Schwengels, Coleman, Hulse, Nystrom, Bisenius, Husak, Doyle, Vande Hoef, Gratias, Taylor, Kinley and Hutchins, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

BILL REFERRED TO COMMITTEE

President Branstad announced that **Senate File 2098** was referred from the Ways and Means Calendar to the committee on **County Government** under Senate Rule 37.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:20 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2103, by Committee on Commerce, a bill for an act relating to the regulation of electric transmission lines operated at less than thirty-four thousand five hundred volts.

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

Senate File 2104, by Rush, a bill for an act allowing the consignment sale of used travel trailers by licensed travel trailer dealers and providing a penalty.

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

Senate File 2105, by Miller of Des Moines, a bill for an act to remove the maximum tax levy limitations for the county poor fund.

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

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 102

By: Nystrom

- 1 *Whereas*, Darlene J. Frazier, art teacher and
- 2 department chairperson at Boone, Iowa, Junior and
- 3 Senior High School, is the Iowa 1981-1982 Teacher
- 4 of the Year; and
- 5 *Whereas*, Darlene Frazier's selection as Teacher
- 6 of the Year is based upon the recognition of her
- 7 excellence in teaching and the contributions she has
- 8 made to her students through her unique methods of
- 9 teaching which have provided a positive learning
- 10 climate and developed within her students art skills
- 11 and appreciation for the arts; and
- 12 *Whereas*, Darlene Frazier's genuine interest in

13 young people and her positive contributions to their
 14 learning experiences have resulted in many of her
 15 students embarking upon careers in art, making
 16 artistic contributions to the Boone community, and
 17 furthering their educational goals; and
 18 *Whereas*, Darlene Frazier is one of four finalists
 19 being considered as the 1981-1982 National Teacher of
 20 the Year; *Now Therefore*,
 21 *Be It Resolved by the Senate*, That the contributions
 22 of Darlene Frazier, a teacher's teacher, are recognized
 23 by the Iowa Senate and that appreciation for her con-
 24 tributions to the educational process in Iowa and
 25 particularly to those students who have been so fortunate
 26 to have been taught by Darlene Frazier, is expressed by
 27 the Iowa Senate; and
 28 *Be It Further Resolved*, That the Iowa Senate extends
 29 its best wishes and support to Darlene Frazier and supports
 30 her consideration as National Teacher of the Year; and

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1 *Be It Further Resolved*, That copies of this
 2 resolution be forwarded to Darlene J. Frazier and to
 3 Boone Community School District Superintendent,
 4 Don W. Riemenschneider.

Read first time and passed on file.

SENATE RESOLUTION 103

By: Anderson, Hulse, Hultman and Junkins

1 *Whereas*, the national system of public employment
 2 offices was established in 1933 under the provisions
 3 of the Wagner-Peyser Act to combat the high unemploy-
 4 ment of the "great depression"; and
 5 *Whereas*, the national system of public employment
 6 offices has been historically the moving force to
 7 unite employers in need of workers with the largest
 8 available resource of employees; and
 9 *Whereas*, the national system of public employment
 10 service has become the primary agency for referral to
 11 employment and training programs designed to train and
 12 upgrade the "labor force" of America; and
 13 *Whereas*, job service of Iowa is funded by a federal
 14 tax paid by employers, from an administrative account
 15 set up to pay the costs of operating the nationwide
 16 employment and unemployment system; and
 17 *Whereas*, this tax paid to the federal government by
 18 Iowa's employers has not been reduced even though the

19 funding for job service of Iowa has been reduced by
20 \$3,529,316, resulting in a sixty percent staff cut in
21 the job placement division and the closing of job
22 service offices in forty-one Iowa communities; and
23 *Whereas*, the Congress of the United States has funded
24 the public employment service since its inception; *Now*
25 *Therefore*,
26 *Be It Resolved by the Senate*, That we hereby petition
27 the Congress of the United States to restore the public
28 employment service to a reasonable funding level
29 consistent with the needs of employers and the labor
30 force of this nation as contained in the present

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1 U. S. House appropriation bill already passed by that
2 body; and
3 *Be It Further Resolved*, That copies of this resolu-
4 tion be sent to the President of the United States of
5 America, to the members of the United States Senate and
6 to the members of the Iowa congressional delegation.

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

BILL REFERRED TO COMMITTEE

Senator Briles asked and received unanimous consent that **House File 834** be referred from the Regular Calendar to the committee on **County Government**.

WITHDRAWN

Senator Miller of Des Moines asked and received unanimous consent that **Senate File 453** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 525

On motion of Senator DeKoster, Senate File 525, a bill for an act relating to the deposit and investment of public funds in insured depository financial institutions, with report of committee recommending passage, was taken up for consideration.

Senator Hultman invoked Rule 23, requiring all Senators present to vote except those who express a conflict of interest, on himself to Senate File 525 and all amendments attached thereto.

Senator DeKoster offered amendment S—5006 filed by him on January 21, 1982, to pages 1 and 3 of the bill.

Senator Slater offered amendment S—5029 filed by him on January 25, 1982, to amendment S—5006 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5029 to amendment S—5006 be adopted?" (S.F. 525) the vote was:

Ayes, 36:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Doyle
Gallagher	Gentleman	Holden	Husak
Hutchins	Junkins	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 12:

Coleman	Drake	Dreeszen	Goodwin
Gratias	Hester	Hulse	Jensen
Kudart	Lura	Ramsey	Taylor

Voting present, 1:

Hultman

Absent or not voting, 1:

Kinley

Amendment S—5029 was adopted.

Senator DeKoster moved the adoption of amendment S—5006, as amended, which motion prevailed by a voice vote.

Senator DeKoster asked and received unanimous consent to withdraw amendment S—5007 filed by him on January 21, 1982, to page 5 of the bill.

The Chair ruled amendment S—5030 filed by Senator Slater on January 25, 1982, to amendment S—5007, out of order.

Senator DeKoster offered amendment S—5024 filed by him on January 25, 1982, to page 5 of the bill.

Senator Slater offered amendment S—5042 filed by him on January 27, 1982, to amendment S—5024 and moved its adoption.

Amendment S—5042 was adopted by a voice vote.

Senator DeKoster moved the adoption of amendment S—5024, as amended, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent that further action on **Senate File 525** be temporarily deferred.

Senator Hultman asked and received unanimous consent to take up out of order House File 372.

House File 372

On motion of Senator Jensen, House File 372, a bill for an act relating to the amount of the surety bond required of mobile home dealers, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 372) the vote was:

Ayes, 45:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 2:

Deluhery Priebe

Voting present, 1:

Baugher

Absent or not voting, 2:

Bisenius Kinley

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

House File 396

On motion of Senator Goodwin, House File 396, a bill for an act relating to an income tax checkoff for the state fish and game protection fund, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Goodwin offered amendment S—3310 filed by the committee on Natural Resources on April 1, 1981, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—3310 was adopted by a voice vote.

Senator Brown offered amendment S—5041 filed by him on January 27, 1982, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5041 be adopted?" (H.F. 396) the vote was:

Ayes, 9:

Brown	Coleman	DeKoster	Doyle
Hutchins	Priebe	Rush	Slater
Waldstein			

Nays, 38:

Anderson	Baugher	Briles	Carney
Carr	Comito	Craft	Deluhery
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden

Hulse	Hultman	Husak	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Schwengels
Small	Taylor	Tieden	Van Gilst
Wells	Yenger		

Absent or not voting, 3:

Bisenius	Kinley	Vande Hoef
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Amendment S—5041 lost.

Senator Goodwin moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 396) the vote was:

Ayes, 45:

Anderson	Baugher	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 3:

Hester	Holden	Lura
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Absent or not voting, 2:

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

Senate File 387

On motion of Senator Carr, Senate File 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization, with report of committee recommending passage, was taken up for consideration.

Senator Carr moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 387) the vote was:

Ayes, 41:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Tieden	Wells
Yenger			

Nays, 7:

DeKoster	Holden	Ramsey	Taylor
Vande Hoef	Van Gilst	Waldstein	

Absent or not voting, 2:

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

ADOPTION OF RESOLUTION (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House Concurrent Resolution 102.

House Concurrent Resolution 102

On motion of Senator Hultman, House Concurrent Resolution 102, a resolution honoring the State Historical Society on its one hundred twenty-fifth anniversary and designating the week of January 24 through January 30, 1982, as State Historical Society of Iowa Week, filed January 19, 1982, and found on page 114 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Hultman moved the adoption of House Concurrent Resolution 102, which motion prevailed by a voice vote.

BUSINESS PENDING

Senate File 525

The Senate resumed consideration of Senate File 525, previously deferred.

Senator Waldstein offered amendment S—5049 filed by him from the floor to pages 1 and 5 of the bill.

Senator DeKoster raised the point of order that amendment S—5049 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5049 in order.

Senator Waldstein moved the adoption of amendment S—5049.

A non record roll call was requested.

The ayes were 13, nays 33, voting present, 1.

Amendment S—5049 lost.

Senator Bisenius offered amendment S—5050 filed by him from the floor to page 5 of the bill and moved its adoption.

Senator Slater raised the point of order that amendment S—5050 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5050 out of order.

Amendment S—5051 filed by Senator Bisenius from the floor to amendment S—5050 was out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Brown for the remainder of the day on request of Senator Junkins.

BUSINESS PENDING

The Senate resumed consideration of Senate File 525.

Senator Bisenius withdrew amendment S—5052 filed by him from the floor to page 5 of the bill.

Senator Bisenius withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5029 to Senate File 525 was adopted by the Senate on January 28, 1982.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 525) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Anderson	Baughner	Bisenius	Carney
Carr	Comito	Craft	DeKoster
Deluhery	Doyle	Dreeszen	Gentleman
Holden	Husak	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Readinger	Rush	Schwengels	Taylor
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 19:

Briles	Coleman	Drake	Gallagher
Goodwin	Gratias	Hester	Hulse
Hutchins	Jensen	Junkins	Lura
Priebe	Ramsey	Rodgers	Slater
Small	Tieden	Yenger	

Voting present, 1:

Hultman

Absent or not voting, 2:

Brown Kinley

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

APPENDIX

COMMUNICATION

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

IOWA ARTS COUNCIL

A copy of the Annual Report for the fiscal years 1978, 1979 and 1980 for the Iowa Arts Council, pursuant to Sec. 304A.5, Code 1981.

Copies are available to members of the Senate upon request.

STUDY BILLS RECEIVED

S.S.B. 2120 Appropriations

Relating to appropriations for the fiscal year beginning July 1, 1981, by making and supplementing appropriations and amending restrictions contained in the Acts of the Sixty-ninth General Assembly, 1981 Session.

S.S.B. 2121 Appropriations

Relating to appropriations by increasing certain appropriations made in Acts of the Sixty-ninth General Assembly, 1981 Session.

S.S.B. 2122 State Government

Relating to the requirements that certain buildings be designed by registered architects.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on January 28, 1982, the Governor approved and transmitted to the Secretary of the State the following bill:

S.F. 511—Relating to the enforcement of judgment liens against homestead property and subsequently acquired property, to take effect January 1 following enactment.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2094	Ways and Means
S. F.	2095	Ways and Means
S. F.	2096	Education
S. F.	2097	Commerce
S. F.	2099	State Government
H.F.	2034	Commerce
H.F.	2090	Education

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 27, 1982, 9:35 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen, Hutchins and Nystrom (arrived 11:00 a.m.).

Members Absent: none.

Other Committee Business: Report on interim Merged Area School study by Virginia Sheffield; report on Governor's Education Advisory Committee recommendations by Senator Van Gilst; recommended to full Appropriations Committee supplemental appropriations for FY 82.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 27, 1982, 9:40 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; A. Miller and Kudart.

Members Absent: Readinger.

Other Committee Business: Presentations by the Board of Parole, Board of Dental Examiners, Board of Physical and Occupational Therapists, Board of Psychology Examiners and Norman Pawlewski, Department of Health.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: January 27, 1982, 9:35 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Hearing with the Missouri River Coordinator.

Adjourned: 10:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 27, 1982, 9:35 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Subcommittee approved recommendations and intent language for FY '82 to the full Appropriations Committee.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 27, 1982, 9:35 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Lura, Taylor and Wells.

Members Absent: none.

Other Committee Business: Recommended appropriations for the Prosecuting Attorney Training Coordinator and the Bureau of Labor.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: January 27, 1982, 9:40 a.m.

Members Present: Bisenius, Chair; Coleman, Ranking Member; Anderson, Drake and Holden.

Members Absent: none.

Other Committee Business: Recommended supplemental appropriations for the Iowa Law Enforcement Academy, Department of Public Defense and Department of Public Safety.

Adjourned: 11:20 a.m.

COMMERCE

Convened: January 27, 1982, 1:30 p.m.

Members Present: Holden, Chair; Deluhery, Ranking Member (arrived 1:45 p.m.); Comito, Craft, Jensen, Husak, Priebe and Rush (arrived 1:50 p.m.).

Members Absent: Baugher, Vice Chair and DeKoster (excused).

Final Bill Action: SENATE FILE 2103 (SSB 2095), a bill for an act relating to the regulation of electric transmission lines operated at less than thirty-four thousand five hundred volts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Holden, Deluhery, Comito, Craft, Jensen, Husak, Priebe and Rush. Nays, none. Absent or not voting, 2: Baugher and DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed SSB 2097.

Adjourned: 2:05 p.m.

ENERGY

Convened: January 27, 1982, 1:37 p.m.

Members Present: Ramsey, Chair; Gallagher, Ranking Member; Anderson, Doyle, Kudart, Readinger and Yenger.

Members Absent: Bisenius, Vice Chair; Briles and Rodgers (excused).

Other Committee Business: Announced subcommittee assignments for Senate File 2074 and SSB 2100; recommended confirmation of Robert F. Tyson as Director of Energy Policy.

Adjourned: 1:50 p.m.

HUMAN RESOURCES

Convened: January 28, 1982, 1:37 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member; Carr, Coleman (arrived 1:42 p.m.), Drake, Gratias (arrived 1:42 p.m.), Hulse, A. Miller, Nystrom, Slater and Vande Hoef.

Members Absent: none.

Final Bill Action: HOUSE FILE 303, a bill for an act relating to the registration of group day care home providers.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Gentleman, Yenger, C. Miller, Carr, Coleman, Drake, Gratias, Hulse, A. Miller, Nystrom, Slater and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 788, a bill for an act excluding child day care providers and babysitters from the child foster care licensing requirements, requiring family and group day care providers who are foster care licensees to register under chapter 237A, and providing that foster children are considered children of the family or group day care provider.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gentleman, Yenger, C. Miller, Carr, Drake, Hulse, A. Miller, Nystrom, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: Coleman and Gratias.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:02 p.m.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 525 passed the Senate on January 28, 1982.

EMIL J. HUSAK

MR. PRESIDENT: I move to reconsider the vote by which Senate File 525 passed the Senate on January 28, 1982.

STEPHEN W. BISENIUS

AMENDMENTS FILED

S—5049	S. F.	525	Arne Waldstein
S—5050	S. F.	525	Stephen W. Bisenius
S—5051	S. F.	525	Stephen W. Bisenius
S—5052	S. F.	525	Stephen W. Bisenius
S—5053	S. F.	2080	Lowell L. Junkins
			C. W. Bill Hutchins
			Joe Brown
			C. Joseph Coleman
			Charles P. Miller
			Tom Slater
			Ted Anderson
			Norman Rodgers
			Berl E. Priebe
			William D. Palmer
			Arthur A. Small, Jr.
			Bob Rush
			Emil J. Husak
			Patrick J. Deluhery
			Alvin V. Miller
			Donald V. Doyle
			James D. Wells
			Bass Van Gilst
			Bob Carr

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 6:00 p.m., until 9:00 a.m., Friday, January 29, 1982.

JOURNAL OF THE SENATE

NINETEENTH CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 29, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by Terry Pepper, Senate Assistant Finance Clerk, Des Moines, Iowa.

The Journal of Thursday, January 28, 1982, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Gentleman, Murray and Ramsey for the day on request of Senator Hultman; Senator Priebe for the day on request of Senator Junkins.

INTRODUCTION OF BILLS

Senate Joint Resolution 2002, by Baugher and Junkins, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the officers of the executive branch of the state government.

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

Senate File 2106, by Miller of Des Moines, a bill for an act relating to the suspension of license of an operator or chauffeur who is physically or mentally incapable of safely operating a motor vehicle.

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

Senate File 2107, by Yenger and Miller of Des Moines, a bill for an act requiring an insurer to reduce premiums for automobile liability and property damage insurance for a two-year period for insureds age fifty-five or older who successfully complete an approved motor vehicle accident prevention course.

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

Senate File 2108, by Gentleman, a bill for an act providing an individual income tax exemption for permanently and totally disabled persons for tax years beginning on or after January 1, 1982.

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

Senate File 2109, by Baugher, Ramsey, Comito, Taylor, Jensen, Holden, Lura, Dreeszen, Husak, Anderson, Slater and Small, a bill for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules.

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

Senate File 2110, by Committee on Education, a bill for an act relating to the publication of financial transaction of school districts.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 2080

On motion of Senator Holden, Senate File 2080, a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected, or owed, providing penalties, and making certain provisions effective April 1, 1982 after publication and other provisions effective January 1, 1983, was taken up for consideration.

Senator Junkins offered amendment S—5053 filed by Senators Junkins, et al., on January 28, 1982, to pages 2, 3, 4 and 6 of the bill and called for a division: lines 2 through 12 as division S—5053A; lines 13 through 49 as division S—5053B.

Senator Junkins asked and received unanimous consent to withdraw division S—5053A.

Senator Junkins called for a further division of amendment S—5053: lines 13 through 24 as division S—5053B; lines 25 through 49 as division S—5053C.

Senator Junkins moved the adoption of division S—5053B and requested a record roll call.

On the question “Shall division S—5053B be adopted?” (S.F. 2080) the vote was:

Ayes, 18:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Rush	Slater	Small
Van Gilst	Wells		

Nays, 27:

Baughner	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Lura	Nystrom
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 5:

Gentleman	Murray	Priebe	Ramsey
Rodgers			

Division S—5053B lost.

Senator Junkins moved the adoption of division S—5053C.

A record roll call was requested.

On the question “Shall division S—5053C be adopted?” (S.F. 2080) the vote was:

Ayes, 19:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Rodgers	Rush	Slater
Small	Van Gilst	Wells	

Nays, 27:

Baughner	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Lura	Nystrom
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 4:

Gentleman	Murray	Priebe	Ramsey
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Division S—5053C lost.

Senator Hutchins offered amendment S—5055 filed by him from the floor to page 1 of the bill.

A record roll call was requested.

On the question "Shall amendment S—5055 be adopted?" (S.F. 2080) the vote was:

Ayes, 19:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Rodgers	Rush
Slater	Van Gilst	Wells	

Nays, 27:

Baughner	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Nystrom	Readinger
Schwengels	Small	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 4:

Gentleman	Murray	Priebe	Ramsey
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Amendment S—5055 lost.

Senator Craft offered amendment S—5025 filed by him on January 25, 1982, to page 3 of the bill and moved its adoption.

Amendment S—5025 was adopted by a voice vote.

Senator Anderson offered amendment S—5043 filed by him on January 27, 1982, to page 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5043 be adopted?" (S.F. 2080) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Rodgers	Rush	Slater
Small	Van Gilst	Wells	

Nays, 25:

Baughner	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Nystrom	Readinger
Schwengels	Tieden	Vande Hoef	Waldstein
Yenger			

Absent or not voting, 6:

Gallagher	Gentleman	Murray	Priebe
Ramsey	Taylor		

Amendment S—5043 lost.

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

The Senate resumed session, President Branstad presiding.

LEAVE OF ABSENCE

Leaves of absence was granted as follows:

Senator Rodgers for the remainder of the morning on request of Senator Junkins.

BUSINESS PENDING

Senate File 2080

The Senate resumed consideration of Senate File 2080.

Senator Husak offered amendment S—5056 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—5056 be adopted?” (S.F. 2080) the vote was:

Ayes, 16:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Slater	Van Gilst	Wells

Nays, 28:

Baughner	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Nystrom	Readinger
Rush	Schwengels	Small	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 6:

Gallagher	Gentleman	Murray	Priebe
Ramsey	Rodgers		

Amendment S—5056 lost.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2080) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Baughner	Bisenius	Briles	Carney
Cornito	Craft	DeKoster	Drake
Dreeszen	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Nystrom	Readinger
Schwengels	Taylor	Tieden	Vande Hoef
Waldstein	Yenger		

Nays, 18:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Rush	Slater	Small
Van Gilst	Wells		

Absent or not voting, 6:

Gallagher	Gentleman	Murray	Priebe
Ramsey	Rodgers		

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 421

County Government
Goodwin, Chair
Hester
Brown

SENATE FILE 431

County Government
Wells, Chair
C. Miller
Yenger

SENATE FILE 2049

Ways and Means
Readinger, Chair
Craft
Rodgers

SENATE FILE 2050

Ways and Means
Holden, Chair
Craft
Rodgers

SENATE FILE 2052

Ways and Means
Readinger, Chair
Priebe
Palmer
Holden
Taylor

SENATE FILE 2054

Ways and Means
Readinger, Chair
Priebe
Palmer
Holden
Taylor

SENATE FILE 2055

Education
Carney, Chair
Small
Jensen

SENATE FILE 2056

Agriculture
Dreeszen, Chair
Vande Hoef
Hutchins

SENATE FILE 2057

Judiciary
Ramsey, Chair
Coleman
Dreeszen

SENATE FILE 2058

Ways and Means
Craft, Chair
Readinger
Rodgers

SENATE FILE 2059

Ways and Means
Craft, Chair
Readinger
Rodgers

SENATE FILE 2060

Education
Dreeszen, Chair
Taylor
Small

SENATE FILE 2061

Judiciary
Ramsey, Chair
Baughner
Murray
Doyle
Coleman

SENATE FILE 2062

Judiciary
Kudart, Chair
Rush
Murray

SENATE FILE 2063

Education
Brown, Chair
Jensen
Wells

SENATE FILE 2065

Cities
Waldstein, Chair
Wells
Comito

SENATE FILE 2067

Education
DeKoster, Chair
Jensen
Anderson

SENATE FILE 2069

State Government
Nystrom, Chair
Schwengels
Slater

SENATE FILE 2074

Energy
Ramsey, Chair
Briles
Rodgers

SENATE FILE 2077

Education
Jensen, Chair
Wells
Dreeszen

SENATE FILE 2085

Labor and Industrial Relations
Carney, Chair
Hultman
Kinley

SENATE FILE 2092

Commerce
Craft, Chair
DeKoster
Pribe

SENATE FILE 2064

Education
DeKoster, Chair
Small
Gratias

SENATE FILE 2066

Ways and Means
Lura, Chair
Palmer
Readinger

SENATE FILE 2068

Education
Taylor, Chair
Brown
Small

SENATE FILE 2072

Labor and Industrial Relations
Gratias, Chair
Goodwin
Wells

SENATE FILE 2076

Education
Taylor, Chair
Brown
Small

SENATE FILE 2078

Education
Anderson, Chair
Taylor
Carney

SENATE FILE 2086

Commerce
Pribe, Chair
Jensen
Comito

**SENATE CONCURRENT
RESOLUTION 101**

Rules and Administration
Hultman, Chair
Holden
Junkins

HOUSE FILE 828

State Government
Schwengels, Chair
Lura
Gallagher

SSB 2069
(Additional Members)

Cities
Waldstein
Slater

SSB 2092

Judiciary
Ramsey, Chair
DeKoster
Rush
Murray
Doyle

SSB 2094

Judiciary
Ramsey, Chair
Rush
Small

SSB 2096

Commerce
Jensen, Chair
DeKoster
Priebe

SSB 2098

Judiciary
Murray, Chair
Small
Kudart

SSB 2100

Energy
Bisenius, Chair
Briles
Rodgers

SSB 2102

Education
Carney, Chair
Dreeszen
Brown

**HOUSE CONCURRENT
RESOLUTION 102**

Rules and Administration
Hultman, Chair
Junkins
Hulse

SSB 2091

Judiciary
Ramsey, Chair
Rush
Murray
Doyle
DeKoster

SSB 2093

Judiciary
Ramsey, Chair
Doyle
Baugher

SSB 2095

Commerce
Holden, Chair
DeKoster
Husak

SSB 2097

Commerce
Holden, Chair
DeKoster
Husak

SSB 2099

Commerce
Husak, Chair
Jensen
Craft

SSB 2101

Education
Gratias, Chair
Jensen
Anderson

SSB 2103

Education
Small, Chair
Jensen
Wells

SSB 2104

Judiciary
Kudart, Chair
Murray
Rush

SSB 2108

Judiciary
Kudart, Chair
Doyle
Coleman

SSB 2110

Education
Carney, Chair
Anderson
Taylor

SSB 2113

Natural Resources
Tieden, Chair
Kudart
Van Gilst

SSB 2115

Judiciary
Murray, Chair
Small
Doyle

SSB 2105

Agriculture
Waldstein, Chair
Van Gilst
Hester

SSB 2109

Education
Gratias, Chair
Dreeszen
Wells

SSB 2112

Natural Resources
Hutchins, Chair
Tieden
Kudart

SSB 2114

Natural Resources
Schwengels, Chair
Tieden
Hutchins

SSB 2116

Judiciary
Murray, Chair
Coleman
Kudart

STUDY BILLS RECEIVED

S.S.B. 2123 Natural Resources

Relating to the uses of land in this state by requiring inventories and planning by county organizations, authorizing exclusive agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

S.S.B. 2124 Judiciary

Omnibus bill to amend, revise and codify such portions of the law as may be conflicting, redundant or ambiguous.

S.S.B. 2125 Judiciary

Relating to the sentences of inmates committed to the custody of the director of the division of adult corrections.

S.S.B. 2126 County Government

Urging a greater federal funding emphasis on repair and reconstruction of our bridges and highways.

REPORT OF INVESTIGATING COMMITTEE
(Place Nominee on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on State Government assigned to investigate the character and qualifications of Elizabeth A. Colby, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the Iowa Housing Finance Authority under the provisions of Section 220.2, 1981 Code of Iowa, for the unexpired portion of a term beginning immediately, and ending April 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chair

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

Convened: January 28, 1982, 10:00 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen, Hutchins and Nystrom.

Members Absent: none.

Other Committee Business: Approved recommendations for FY 83 to be referred to full Appropriations Committee.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: January 28, 1982, 10:10 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger, Kudart and A. Miller.

Members Absent: none.

Other Committee Business: Supplemental budget recommendations for FY 82 and 83 for the Department of Health and Board of Parole.

Adjourned: 11:33 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: January 28, 1982, 10:30 a.m.

Members Present: Jensen, Chair; Rush, Ranking Member; Gratias, Hulse and C. Miller.

Members Absent: none.

Other Committee Business: Approved appropriations bills and sent to the full Appropriations Committee.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: January 28, 1982, 10:05 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown and Vande Hoef.

Members Absent: Craft (excused).

Other Committee Business: Sandy Scott, Director of Community Programs, DSS, reported on unemployed parent program; Roger Herr, Chief, Bureau of Financial Assistance, DSS, gave presentation on "Update of Standard of Need for Iowa Aid to Dependent Children Recipients" and food stamp issues; Bob Lipman, WIN Coordinator, Bureau of Financial Assistance, DSS, gave overview of county workfare and coordinated manpower services program.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: January 28, 1982, 10:00 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Taylor, Lura and Wells.

Members Absent: none.

Other Committee Business: Supplemental appropriation presentation by the Iowa Arts Council; discussed merit employment and Legislative Fiscal Bureau.

Adjourned: 11:30 a.m.

EDUCATION

Convened: January 28, 1982, 3:05 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells.

Members Absent: none.

Final Bill Action: SENATE FILE 2068, a bill for an act relating to payment of expenses by boards of directors of merged areas.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2110, (SSB 2061), a bill for an act relating to the publication of financial transactions of school districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, Dreeszen, Jensen, Small, Taylor and Wells. Nays, 1: DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 444, a bill for an act relating to the payment of state aid for pupils previously enrolled in a laboratory school.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; discussed SSB 2019.

Adjourned: 3:40 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: January 28, 1982, 8:15 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias, Hultman and Wells.

Members Absent: Kinley (excused).

Other Committee Business: Assigned bills to subcommittees; Joe Bervid, Attorney, Department of Iowa Job Service and Jim Hunsacker, Assistant Director, Iowa Job Service, came before the committee to explain changes in federal mandates.

Adjourned: 9:05 a.m.

STATE GOVERNMENT

Convened: January 28, 1982, 3:35 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: none.

Final Bill Action: SENATE FILE 446, a bill for an act establishing a precious metal dealer's license and providing a penalty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5054.

Final Vote: Ayes, 10: Nystrom, Briles, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, 4: Lura, Slater, Carr and Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2046, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Recommended confirmation of Governor's appointee, Elizabeth A. Colby as a member of the Iowa Housing Finance Authority; assigned bills to subcommittees; discussed House File 828; also discussed and deferred Senate File 190.

Adjourned: 3:48 p.m.

WAYS AND MEANS

Convened: January 28, 1982, 1:37 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees; deferred Senate File 2088.

Adjourned: 2:13 p.m.

AMENDMENTS FILED

S—5054	S. F.	446	State Government Committee
S—5055	S. F.	2080	C.W. Bill Hutchins
S—5056	S. F.	2080	Emil J. Husak

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:10 a.m., until 10:00 a.m., Tuesday, February 2, 1982.

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 2, 1982

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by Father Gerald Ryan, pastor of St. Anthony's Catholic Church, Des Moines, Iowa.

The Journal of Friday, January 29, 1982, was approved.

SPECIAL GUESTS

Senator Hulse presented Dick and Mary Hahn from Scott County, Iowa, who were selected as one of the three outstanding farm couples in the United States at the 1982 American Farm Bureau Federation convention held January 10 through 14 in San Diego, California.

Dick and Mary were selected as Iowa winners from fifty-six entries at the state convention in December, 1981, and competed in the national contest with thirty-four other state winners.

The Hahns are the parents of two children and operate a 690-acre corn and soybean farm in Scott County. Dick is the current president of the county farm bureau.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rodgers for the day on request of Senator Junkins; Senator Lura for the day on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 28, 1982, adopted the following resolutions in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 106

By: Lind

- 1 *Whereas*, the members of the General Assembly have noticed
 2 that certain persons working in state government correspond
 3 and write reports in language understandable only to persons
 4 within the particular department or agency; and
 5 *Whereas*, this correspondence and these reports are sent to
 6 and used by members of the general public; and
 7 *Whereas*, it is often difficult for members of the general
 8 public to understand "intra-agency" terminology; *Now There-*
 9 *fore*,
 10 *Be It Resolved by the House of Representatives, the Senate*
 11 *Concurring*, that the head of each department and agency of
 12 state government is urged to direct its staff to correspond
 13 and write reports in a clear and coherent manner, using well-
 14 understood words of everyday meanings; and
 15 *Be It Further Resolved*, that the General Assembly requests
 16 that this resolution be published in the Iowa Administrative
 17 Bulletin.

This bill was read first time and passed on file.

HOUSE CONCURRENT RESOLUTION 107

By: Johnson of Woodbury and Crabb

- 1 *Whereas*, the Missouri river forms Iowa's western boundary
 2 from Sioux City south to the Missouri state line and is an
 3 important natural resource for Iowa; and
 4 *Whereas*, the Missouri river, as it flows along western
 5 Iowa, provides water supplies for municipal, industrial, and
 6 agricultural uses as well as serving as a portion of the
 7 inland waterway navigation system providing economical
 8 transportation for Iowa's goods; and
 9 *Whereas*, the Missouri river ecological and recreational
 10 values along Iowa's western border have already been diminished
 11 due to channelization and degradation of the river bed; and
 12 *Whereas*, there are several proposals to divert water from
 13 the Missouri river upstream of Iowa for use in energy
 14 production and transportation and for replacing underground
 15 water in the High Plains region, and the water sale between
 16 South Dakota and Energy Transportation Systems, Inc. shows
 17 that large-scale diversion of Missouri river water out of
 18 the basin is a serious possibility; and
 19 *Whereas*, the control of water resources is a responsibility
 20 and right of the sovereign states; and

21 *Whereas*, there is presently no mechanism existing that
22 protects the interests of downstream states such as Iowa or
23 allows the downstream states to be involved in the approval
24 of out-of-basin diversions; and

25 *Whereas*, the general assembly of this state desires to
26 form a compact with the states of Colorado, Kansas, Minnesota,
27 Missouri, Montana, Nebraska, North Dakota, South Dakota, and
28 Wyoming for the purpose of involving all the states of the
29 Missouri river basin in the decisions to allow out-of-basin
30 diversion of water and other water uses within the basin;

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1 *Now Therefore*,
2 *Be It Resolved by the House of Representatives, the Senate*
3 *Concurring*, That the governor through the Missouri river coor-
4 dinator is requested to communicate this resolution to the
5 states of Colorado, Kansas, Minnesota, Missouri, Montana,
6 Nebraska, North Dakota, South Dakota, and Wyoming, and to
7 negotiate on behalf of the state of Iowa with those states
8 a compact which protects Iowa's interests in the Missouri
9 river and involves Iowa in the decisions affecting future
10 diversion from the Missouri river, and to report to the general
11 assembly on the actions taken and the status of the
12 negotiations of the compact.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 2111, by Anderson, a bill for an act to allow Iowa residents sixty years of age and older to attend courses offered by state-supported institutions of higher education by paying certain costs.

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

RECESS

On motion of Senator Hultman, the Senate recessed at 10:10 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2112, by Vande Hoef, a bill for an act relating to the boundary lines of merged areas and area education agencies.

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

Senate File 2113, by Priebe, a bill for an act relating to the prosecution and sentencing of a person who admits the fraudulent receipt of certain public assistance.

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

Senate File 2114, by Gallagher, a bill for an act relating to the membership of the county zoning board of adjustment.

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

Senate File 2115, by Doyle, a bill for an act exempting from the state sales, services, and use tax the gross receipts from the sale, furnishing, or service of water by a city or county.

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

Senate File 2116, by Schwengels, a bill for an act to provide for the distribution of delinquent property tax receipts collected by the state department of transportation to the county treasurer of the county in which the property taxes are owed.

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

Senate File 2117, by Hutchins and Husak, a bill for an act relating to telephone rates for volunteer fire departments.

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

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 104

By: Carr, Slater, Anderson and Baugher

- 1 *Whereas*, the United States and the Soviet Union are
- 2 engaged in a nuclear weapons race and are testing,
- 3 producing and deploying nuclear warheads, missiles
- 4 and delivery systems; and
- 5 *Whereas*, the Congress of the United States is

6 expending huge sums of money for such testing, producing
7 and deploying of nuclear warheads and weapons; *Now*
8 *Therefore,*
9 *Be It Resolved by the Senate,* That the Iowa senate
10 urges the President and Congress of the United States
11 to work vigorously to negotiate and enter into a
12 mutual nuclear weapons moratorium, including an effective
13 policing apparatus, with the Soviet Union; and
14 *Be It Further Resolved,* That copies of this resolution
15 be transmitted by the Secretary of the Senate to the
16 President of the United States, the presiding officer
17 of each House of Congress, and to each member of the
18 Iowa congressional delegation.

Read first time and passed on file.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

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

The Senate resumed session, President Branstad presiding.

APPENDIX

COMMUNICATIONS

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

DEPARTMENT OF TRANSPORTATION

A copy of the Study to Determine Alternative Primary and Secondary Road System Sizes prepared by the Department of Transportation, pursuant to Chapter 96, Sec. 1, 1981 Acts of the Sixty-ninth General Assembly.

Copies are available to members of the Senate upon request.

A copy of the Annual Report on Public Transportation Programs prepared by the Public Transit Division of the Department of Transportation, pursuant to Sec. 601J.4(2), Code 1981.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. J. R.	2002	State Government
S. F.	2102	State Government
S. F.	2104	Transportation
S. F.	2105	Ways and Means
S. F.	2106	Transportation
S. F.	2107	Commerce
S. F.	2108	Ways and Means
S. F.	2109	State Government
S. R.	102	Rules and Administration
S. R.	103	Rules and Administration
H.C.R.	105	Rules and Administration

STUDY BILLS RECEIVED

S.S.B. 2127 Judiciary

Relating to the performance of unpaid community service by defendants convicted of crimes.

S.S.B. 2128 Natural Resources

To establish centralized water resource information and reporting system.

S.S.B. 2129 Natural Resources

To consolidate the regulation and management of water resources by creating and transferring to the Iowa water supply and development council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water supply systems and water distribution systems, and the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of non public water systems and wells, creating a waterworks operators' board of certification and a waste waterworks operators' board of certification, making corresponding amendments to the Code, and providing penalties for violations and a January 1, 1983 effective date for most provisions.

S.S.B. 2130 Appropriations

Authorizing merged areas to acquire and operate student residence halls and dormitories, including dining and other incidental facilities, and to finance the cost with revenue bonds.

S.S.B. 2131 State Government

Providing that medical service corporations may contract with subscribers to provide services through physical therapists.

S.S.B. 2132 State Government

Relating to the administration and benefits of public retirement systems.

S.S.B. 2133 State Government

A Joint Resolution recognizing Taiwan as Iowa's sister state.

S.S.B. 2134 State Government

Permitting the board of podiatry examiners to issue a temporary certificate to practice podiatry, and making penalties applicable.

S.S.B. 2135 Judiciary

Making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals, and civil appeals more uniform and consistent.

S.S.B. 2136 Natural Resources

To update references to the federal Water Pollution Control Act in chapter 455B.

S.S.B. 2137 Transportation

Relating to the fees and movement of vehicles of excessive size and weight including mobile homes and factory-built structures.

S.S.B. 2138 Cities

To establish an Iowa advisory commission in inter-governmental relations.

REPORT OF COMMITTEE MEETING**RULES AND ADMINISTRATION**

Convened: January 29, 1982, 8:20 a.m.

Members Present: Hultman, Chair; Hulse, Vice Chair; Holden and Junkins.

Members Absent: Kinley, Ranking Member and Ramsey (both excused).

Other Committee Business: Approved the process for resolution regarding gubernatorial appointments for 1982 and determined other administrative matters.

Adjourned: 8:50 a.m.

AMENDMENT FILED

S—5057 S. F. 312 David M. Readinger

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:00 p.m., until 9:00 a.m., Wednesday, February 3, 1982.

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 3, 1982

The Senate met in regular session at 9:05 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, February 2, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Youbert, M.D., Sac City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gentleman for the day on request of Senator Hultman; Senator Hutchins for the day on request of Senator Deluhery.

INTRODUCTION OF BILLS

Senate File 2118, by DeKoster, a bill for an act allowing spouses of school board members to receive up to two thousand dollars compensation in a fiscal year from the school board.

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

Senate File 2119, by Deluhery, a bill for an act striking requirements for the reform of the schedule of assessment, levy, and collection of taxes by a special charter city.

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

RECESS

On motion of Senator Hultman, the Senate recessed at 9:10 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2120, by Wells, a bill for an act relating to the amount of land owned by a merged area.

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

Senate File 2121, by Anderson, a bill for an act to establish the employee and community assistance division within the department of job service, requiring prior notice to affected employees and communities of business closings, relocations, and reductions of operations, requiring businesses to make severance payments to employees who lose their jobs and to make payments to cities and counties affected by a closing, relocation, or reduction of operations and providing civil and criminal penalties.

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

Senate File 2122, by Miller of Des Moines, Brown, Junkins, Hutchins, Miller of Cerro Gordo, Briles, Tieden, Carr and Schwengels, a bill for an act relating to the definition of average final compensation for members of the peace officers' retirement, accident, and disability system.

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

Senate File 2123, by Gallagher, a bill for an act establishing a rate equal to one and one-half times the prime rate as the rate of interest to be paid by public utilities on refunds of any amounts collected as contributions toward the construction costs of the Alaska natural gas pipeline.

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

Senate File 2124, by Baugher, a bill for an act relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for wages paid or accrued for work done in the state by certain individuals.

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

Senate File 2125, by Bisenius, a bill for an act relating to the establishment of tuition rates by the state board of regents and their payment by students enrolled in the institutions of higher learning, including establishing a tuition loan fund.

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

Senate File 2126, by Committee on Judiciary, a bill for an act to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in section 586.1.

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

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 105

By: Committee on Rules and Administration

1 *Whereas*, section 2.32, subsection 7, requires the governor
 2 to provide the secretary of the senate with a list of all
 3 gubernatorial appointments requiring senate confirmation
 4 during this session by February 1; and
 5 *Whereas*, this information has been submitted and is on
 6 file in the office of the secretary of the senate; and
 7 *Whereas*, that subsection also requires that the senate
 8 by resolution approve the list or request corrections by
 9 February 15; *Now Therefore*,
 10 *Be It Resolved by the Senate*, That the following list of
 11 appointments submitted by the governor pursuant to section
 12 2.32, subsection 7, and on file with the secretary of the
 13 senate is approved:
 14 Accountancy, Board of
 15 3 terms commencing 5-1-82 and ending 4-30-85
 16 Architectural Examiners, Board of
 17 2 terms commencing 5-1-82 and ending 4-30-85
 18 Assessor Education Commission
 19 3 terms commencing 5-1-82 and ending 4-30-86
 20 Barber Examiners, State Board of
 21 2 terms commencing 5-1-82 and ending 4-30-85
 22 Beer and Liquor Control Council, Iowa
 23 1 term commencing 5-1-82 and ending 4-30-87
 24 Blind, Commission for the
 25 1 term commencing 5-1-82 and ending 4-30-85
 26 Chiropractic Examiners, State Board of

- 27 2 terms commencing 5-1-82 and ending 4-30-85
- 28 City Development Board
- 29 1 term commencing 5-1-82 and ending 4-30-88
- 30 City Finance Committee

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- 1 3 terms commencing 5-1-82 and ending 4-30-86
- 2 1 unexpired portion of a term ending 4-30-84
- 3 Civil Rights Commission, Iowa State
- 4 1 unexpired portion of a term ending 4-30-83
- 5 1 unexpired portion of a term ending 4-30-85
- 6 Cosmetology Examiners, State Board of
- 7 2 terms commencing 5-1-82 and ending 4-30-85
- 8 Credit Union Review Board
- 9 3 terms commencing 5-1-82 and ending 4-30-85
- 10 Crime Commission, Iowa
- 11 3 terms commencing 5-1-82 and ending 4-30-86
- 12 Dental Examiners, State Board of
- 13 3 terms commencing 5-1-82 and ending 4-30-85
- 14 Energy Policy, Director of
- 15 1 term at the pleasure of the Governor
- 16 Engineering Examiners, State Board of
- 17 2 terms commencing 5-1-82 and ending 4-30-85
- 18 1 unexpired portion of a term ending 4-30-83
- 19 Environmental Quality Commission
- 20 1 unexpired portion of a term ending 4-30-85
- 21 Family Farm Development Authority, Iowa
- 22 3 terms commencing 5-1-82 and ending 4-30-88
- 23 1 unexpired portion of a term ending 4-30-84
- 24 Hearing Aid Dealers, Board of Examiners for
- 25 1 term commencing 5-1-82 and ending 4-30-85
- 26 Housing Finance Authority, Iowa
- 27 1 unexpired portion of a term ending 4-30-85
- 28 Job Service Appeal Board
- 29 1 term commencing 5-1-82 and ending 4-30-88
- 30 1 unexpired portion of a term ending 4-30-84

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- 1 Judicial Nominating Commission, State
- 2 1 unexpired portion of a term ending 4-30-85
- 3 Judicial Qualifications, Commission on
- 4 1 unexpired portion of a term ending 4-30-85
- 5 Landscape Architectural Examiners, Board of
- 6 2 terms commencing 5-1-82 and ending 4-30-85
- 7 Law Enforcement Academy Council, Iowa
- 8 2 terms commencing 5-1-82 and ending 4-30-86
- 9 1 unexpired portion of a term ending 4-30-84
- 10 Medical Examiners, State Board of

- 11 3 terms commencing 5-1-82 and ending 4-30-85
- 12 1 unexpired portion of a term ending 4-30-84
- 13 Medical Health and Mental Retardation Commission
- 14 5 terms commencing 10-1-81 and ending 4-30-83
- 15 5 terms commencing 10-1-81 and ending 4-30-84
- 16 5 terms commencing 10-1-81 and ending 4-30-85
- 17 Mortuary Science Examiners, State Board of
- 18 2 terms commencing 5-1-82 and ending 4-30-85
- 19 Nursing Examiners, State Board of
- 20 2 terms commencing 5-1-82 and ending 4-30-85
- 21 Nursing Home Administrators, Board of Examiners for
- 22 5 terms commencing 5-1-82 and ending 4-30-85
- 23 1 unexpired portion of a term ending 4-30-83
- 24 Occupational Safety and Health Review Commission
- 25 1 term commencing 5-1-82 and ending 4-30-88
- 26 1 unexpired portion of a term ending 4-30-84
- 27 Optometry Examiners, State Board of
- 28 2 terms commencing 5-1-82 and ending 4-30-85
- 29 Parole, Iowa Board of
- 30 1 term commencing 5-1-82 and ending 4-30-87

Page 4

- 1 2 terms commencing 7-1-81 and ending 4-30-86
- 2 Pharmacy Examiners, State Board of
- 3 2 terms commencing 5-1-82 and ending 4-30-85
- 4 Physical and Occupational Therapy Examiners, State Board of
- 5 Board of
- 6 2 terms commencing 5-1-82 and ending 4-30-85
- 7 Podiatry Examiners, State Board of
- 8 2 terms commencing 5-1-82 and ending 4-30-85
- 9 Psychology Examiners, State Board of
- 10 2 terms commencing 5-1-82 and ending 4-30-85
- 11 1 unexpired portion of a term ending 4-30-84
- 12 Public Employment Relations Board
- 13 1 term commencing 5-1-82 and ending 4-30-86
- 14 Public Instruction, State Board of
- 15 3 terms commencing 5-1-82 and ending 4-30-88
- 16 Railway Finance Authority, Iowa
- 17 2 terms commencing 5-1-82 and ending 4-30-88
- 18 Real Estate Commission, Iowa
- 19 2 terms commencing 5-1-82 and ending 4-30-85
- 20 Rural Community Development Committee, Iowa
- 21 2 terms commencing 5-1-82 and ending 4-30-88
- 22 Social Services, Council on
- 23 2 terms commencing 10-1-81 and ending 4-30-87
- 24 Speech Pathology and Audiology Examiners, State Board of
- 25 Board of
- 26 3 terms commencing 5-1-82 and ending 4-30-85

- 27 Transportation Commission, State
 28 2 terms commencing 5-1-82 and ending 4-30-86
 29 Transportation Regulation Authority, Superinten-
 30 dent of

Page 5

- 1 1 term commencing 1-1-82 and ending 4-30-88
 2 Veterinary Medicine Examiners, State Board of
 3 2 terms commencing 5-1-82 and ending 4-30-85
 4 Watchmaking Examiners, State Board of
 5 2 terms commencing 5-1-82 and ending 4-30-85
 6 Waterworks and Waste Waterworks Operators, Board
 7 of Certification of
 8 2 terms commencing 5-1-82 and ending 4-30-85

Read first time and placed on calendar.

SENATE RESOLUTION 106

By: Committee on Ethics

- 1 *Whereas*, section 68B.10 of the Code requires that the
 2 senate committee on ethics shall prepare a code of ethics
 3 within thirty days after the commencement of the session;
 4 *Now Therefore*,
 5 *Be It Resolved by the Senate*, That Senate Resolution 7,
 6 the code of ethics for the 1981 regular session of the sixty-
 7 ninth general assembly as adopted on February 16, 1981, is
 8 adopted as the senate code of ethics for the 1982 regular
 9 session of the sixty-ninth general assembly.

Read first time and placed on calendar.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and 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 non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 58, Senator Hultman called up the following eligible appointees on the En Bloc Confirmation Calendar:

Iowa Law Enforcement Academy Council

Sammy F. Swaim, committee recommendation found on page 129 of the Senate Journal.

Occupational Safety and Health Review Commission

Celeste F. Bremer, committee recommendation found on page 129 of the Senate Journal.

State Board of Medical Examiners

Richard L. Carruthers
John L. Garred

Committee recommendations found on page 129 of the Senate Journal.

State Board of Psychology Examiners

Gerald T. Jorgensen, committee recommendation found on page 129 of the Senate Journal.

State Board of Speech Pathology and Audiology Examiners

Kathy Kerst, committee recommendation found on page 129 of the Senate Journal.

Council on Social Services

Lewis H. Rich
J.T. Watson

Committee recommendations found on page 129 of the Senate Journal.

Mental Health and Mental Retardation Commission

Vera V. French
Martin Dettmer
Margaret E. McDonald

Arlene D. Steege
Charles W. Semke
Russell Clarke
James J. Clabby
Phyllis S. Christiansen
G. Richard Burr
Hormoz Rassekh
Robert Riley
Clarence McDermott
Mildred Lloyd
Robert D. Hoogeveen
Helen Henderson

Committee recommendations of the above found on pages 129-130 of the Senate Journal.

City Finance Committee

Robert E. McMahan, committee recommendation found on page 130 of the Senate Journal.

Iowa Board of Parole

Leroy H. Park
James E. Gritzner

Committee recommendations found on page 133 of the Senate Journal.

Transportation Regulation Authority, Superintendent of

Conrad A. Amend, committee recommendation found on page 196 of the Senate Journal.

Environmental Quality Commission

Keith E. Uhl, committee recommendation found on page 158 of the Senate Journal.

Energy Policy, Director of

Robert F. Tyson, committee recommendation found on page 214 of the Senate Journal.

Iowa Housing Finance Authority

Elizabeth Colby, committee recommendation found on page 250 of the Senate Journal.

Senator Hultman moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Voting present, 1:

Miller, C.P.

Absent or not voting, 3:

Craft	Gentleman	Hutchins
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The Chair declared the appointments confirmed.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 488

On motion of Senator Baughner, Senate File 488, a bill for an act authorizing the department of social services to establish a sales bonus program for the sale of prison industry products, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 488) the vote was:

Ayes, 46:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senate File 312

On motion of Senator Readinger, Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive, with report of committee recommending passage, was taken up for consideration.

Senator Junkins raised the point of order that Senate File 312 be referred to the committee on Ways and Means under Senate Rule 37.

The Chair ruled the point not well taken.

Senator Holden offered amendment S—5060 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 22, nays 24.

Amendment S—5060 lost.

Senator Readinger offered amendment S—5057 filed by him on February 2, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5057 was adopted by a voice vote.

(Senate File 312 pending on adjournment.)

APPENDIX**COMMUNICATION**

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

COMMISSION ON THE STATUS OF WOMEN

A copy of the Annual Report of the Iowa Commission on the Status of Women, pursuant to Sec. 601.8, Code 1981.

STUDY BILLS RECEIVED**S.S.B. 2139 State Government**

Requiring display of headlights on vehicles operating from one-half hour before sunset to one-half hour after sunrise and making penalties applicable.

S.S.B. 2140 State Government

To revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

S.S.B. 2141 Education

Permitting the area education agency in which a child resides to obtain a review of an action or omission relating to special education programs by state or local authorities.

S.S.B. 2142 Education

To strike the minimum limits on tuition and transportation fees paid for Iowa resident students attending school outside the state.

S.S.B. 2143 Regulatory and Finance

Relating to appropriations by increasing certain appropriations made in Acts of the Sixty-ninth General Assembly, 1981 Session.

S.S.B. 2144 Judiciary

Relating to violations of the rules of the road by certain juvenile offenders.

S.S.B. 2145 State Government

Relating to the authority of the state vehicle dispatcher.

S.S.B. 2146 Transportation and Law Enforcement

Appropriating supplemental funds from the general fund of the state to the Iowa law enforcement academy, department of public defense, and the department of public safety for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

REPORT OF INVESTIGATING COMMITTEE
(Place Nominee on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Transportation assigned to investigate the character and qualifications of George F. Davison, Jr., Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Railway Finance Authority under the provisions of Section 307B.6, 1981 Code of Iowa, for the unexpired portion of a term ending April 30, 1982, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chair

REPORT OF COMMITTEE**RULES AND ADMINISTRATION**

Final Bill Action: SENATE RESOLUTION 105, a resolution regarding gubernatorial appointments for 1982.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6; Hultman, Hulse, Holden, Kinley, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 105, a resolution congratulating the Iowa Hawkeyes Football Team and Coach Hayden Fry.

Recommendation: DO PASS.

Final Vote: Ayes, 6; Hultman, Hulse, Holden, Junkins, Kinley and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND MENTAL HEALTH

Convened: February 2, 1982, 10:40 a.m.

Members Present: Baugher, Chair; Doyle, Ranking Member and DeKoster.

Members Absent: Gentleman and Deluhery.

Other Committee Business: Community Based Corrections Department's Supplemental Budget Request for FY '82 and '83.

Adjourned: 12:08 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 2, 1982, 10:35 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen, Hutchins and Nystrom.

Members Absent: none.

Other Committee Business: Made decisions on supplemental appropriations.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 2, 1982, 10:35 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Kudart and Readinger.

Members Absent: A. Miller (excused).

Other Committee Business: Made FY 83 budget recommendations for the Iowa Department of Substance Abuse and Commission on the Aging; approved FY 82 supplemental appropriations for the health facilities division and licensing and certification division of the Iowa State Department of Health.

Adjourned: 11:53 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 2, 1982, 10:30 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Recommended final supplemental budget recommendations for various departments.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 2, 1982, 10:40 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Bob Lipman, WIN Coordinator of the Bureau of Financial Assistance, DSS, gave overview of Coordinated Manpower Services Program.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 2, 1982, 10:15 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Taylor and Wells.

Members Absent: Lura (excused).

Other Committee Business: Discussed merit testing with Colleen Shearer of Iowa Job Service.

Adjourned: 11:45 a.m.

COUNTY GOVERNMENT

Convened: February 2, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger.

Members Absent: none.

Other Committee Business: Discussed Senate File 2098 and proposed amendment; assigned bills to subcommittees.

Adjourned: 4:00 p.m.

JUDICIARY

Convened: February 2, 1982, 3:15 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Doyle, Dreeszen, Ramsey, Small, Taylor and Murray (arrived 3:25 p.m.).

Members Absent: Deluhery and Lura (excused).

Final Bill Action: SENATE FILE 2126 (SSB 2086), a bill for an act to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in section 586.1.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11, DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Doyle, Dreeszen, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 3: Deluhery, Lura and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 3:35 p.m.

WAYS AND MEANS

Convened: February 2, 1982, 2:45 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Hester, Holden, Hultman, Husak, Junkins, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Rodgers, Ranking Member and Lura (both excused).

Other Committee Business: Assigned bills to subcommittees; discussed SSB 2013.

Adjourned: 3:10 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. R.	104	Rules and Administration
S. F.	2111	Education
S. F.	2112	Education
S. F.	2113	Judiciary
S. F.	2114	County Government
S. F.	2115	Ways and Means
S. F.	2116	Ways and Means
S. F.	2117	Commerce
H.C.R.	106	State Government
H.C.R.	107	Natural Resources

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Mark Wampler be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

LOWELL L. JUNKINS

AMENDMENTS FILED

S—5058	S. F.	367	Lucas J. DeKoster
S—5059	S. F.	2098	C. Joseph Coleman Joe Brown
S—5060	S. F.	312	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:22 p.m., until 10:00 a.m., Thursday, February 4, 1982.

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 4, 1982

The Senate met in regular session at 10:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Kathleen Milligan, pastor of the Center Chapel United Methodist Church and Farmers Chapel United Methodist Church, Indianola, Iowa.

The Journal of Wednesday, February 3, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, M.D., Newton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gentleman for the day on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 2, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 294, a bill for an act relating to taxidermy and subjecting violators to a penalty.

ALSO: That the House has on February 2, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2112, a bill for an act permitting school districts to combine the positions of secretary and treasurer.

This bill was read first time and **passed on file.**

House File 2147, a bill for an act changing the date for the organizational meeting of the board of directors of a merged area.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILLS

Senate File 2127, by Craft, Tieden, Slater, Coleman, Miller of Des Moines, Briles, Hulse, Miller of Cerro Gordo, Anderson and Baugher, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

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

Senate File 2128, by Carr, a bill for an act to provide for a refund of contributions of members of local police and fire retirement systems.

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

Senate File 2129, by Briles, a bill for an act relating to the imposition of a penalty for late payment of taxes on a political subdivision of the state.

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

Senate File 2130, by Committee on Judiciary, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229.

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

WITHDRAWN

Senator Brown asked and received unanimous consent that **Senate Files 273 and 371** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 396.

Senate File 396

On motion of Senator Goodwin, Senate File 396, a bill for an act relating to the platting and recording of resurveyed or subdivided land, with report of committee recommending passage, was taken up for consideration.

Senator Goodwin offered amendment S—3203 filed by him on March 18, 1981, to pages 1, 2 and the title page of the bill.

Senator Holden offered amendment S—5061 filed by him from the floor to amendment S—3203.

Senator Waldstein asked and received unanimous consent that further action on **Senate File 396**, amendment S—3203 and amendment S—5061 to amendment S—3203 be **deferred**.

UNFINISHED BUSINESS
(Pending February 3, 1982)

Senate File 312

The Senate resumed consideration of Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive, pending on February 3, 1982.

Senator Junkins offered amendment S—5063 filed by Senators Junkins, Van Gilst and Palmer from the floor to page 1 and the title page of the bill.

Senator Readinger raised the point of order that amendment S—5063 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5063 in order.

Senator Readinger asked and received unanimous consent that further action on **Senate File 312** and amendment S—5063 be temporarily **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 454

On motion of Senator Vande Hoef, Senate File 454, a bill for an act relating to quarterly reports by county officers, with report of committee recommending passage, was taken up for consideration.

Senator Briles offered amendment S—5012 filed by him on January 21, 1982, to strike everything after the enacting clause and moved its adoption.

Amendment S—5012 was adopted by a voice vote.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

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

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nyström
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senate File 460

On motion of Senator Brown, Senate File 460, a bill for an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society, with report of committee recommending passage, was taken up for consideration.

Senator Briles offered amendment S—5011 filed by him on January 21, 1982, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5011 was adopted by a voice vote.

Senator Brown moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 460) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Jensen

Absent or not voting, 3:

Craft Gentleman 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 499.

Senate File 499

On motion of Senator Miller of Des Moines, Senate File 499, a bill for an act relating to the election or appointment of the board of trustees of benefited fire districts, with report of committee recommending passage, was taken up for consideration.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 499) the vote was:

Ayes, 48:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Gentleman Small

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

Senate File 536

On motion of Senator Vande Hoef, Senate File 536, a bill for an act relating to multidisciplinary team access to child abuse information, with report of committee recommending passage, was taken up for consideration.

Senator Vande Hoef withdrew amendment S—3316 filed by him on April 1, 1981, to page 1 of the bill.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 536) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Gentleman	Hultman	Small
Wells			

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

Senate File 537

On motion of Senator Gratias, Senate File 537, a bill for an act to abolish the requirement for a premarital syphilis examination, with report of committee recommending passage, was taken up for consideration.

Senator Gratias moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 537) the vote was:

Ayes, 40:

Anderson	Bisenius	Briles	Carney
Carr	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers

Rush Tieden	Schwengels Waldstein	Slater Wells	Taylor Yenger
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Nays, 7:

Baugher Miller, C.P.	Brown Vande Hoef	Coleman Van Gilst	Dreeszen
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Absent or not voting, 3:

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2021.

Senate File 2021

On motion of Senator Holden, Senate File 2021, a bill for an act limiting the issuance of handicapped identification devices to handicapped persons and certain government agencies and private organizations, was taken up for consideration.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2021) the vote was:

Ayes, 46:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Craft

Absent or not voting, 3:

Gentleman Readinger Small

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

BUSINESS PENDING

Senate File 396

The Senate resumed consideration of Senate File 396, amendment S—3203 and amendment S—5061 to amendment S—3203, previously deferred.

Senator Holden withdrew amendment S—5061 to amendment S—3203.

Senator Holden offered amendment S—5065 filed by him from the floor to amendment S—3203 and moved its adoption.

Amendment S—5065 was adopted by a voice vote.

Senator DeKoster offered amendment S—5064 filed by him from the floor to amendment S—3203 and moved its adoption.

Amendment S—5064 was adopted by a voice vote.

Senator Goodwin moved the adoption of amendment S—3203 as amended, which motion prevailed by a voice vote.

Senator Goodwin moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 396) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer

Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Craft

Absent or not voting, 2:

Gentleman Jensen

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 (Regular Calendar)

House File 210

On motion of Senator Vande Hoef, House File 210, a bill for an act authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions, with report of committee recommending passage, was taken up for consideration.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 210) the vote was:

Ayes, 40:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Comito	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	Yenger

Nays, 6:

Baughner	Coleman	DeKoster	Hester
Kinley	Ramsey		

Absent or not voting, 4:

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

House File 829

On motion of Senator Schwengels, House File 829, a bill for an act relating to the investigations, communications and reports of the citizens' aide office, with report of committee recommending passage, was taken up for consideration.

(House File 829 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 11:50 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:05 p.m., President pro tempore Ramsey presiding.

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 107

By: Hutchins and Junkins

- 1 *Whereas*, the governor delivered his messages on the
- 2 condition of the state and the budget on January 12,
- 3 1982; and
- 4 *Whereas*, the president of the United States has
- 5 recently delivered his message on the state of the
- 6 union in which he proposed several changes in responsi-
- 7 bilities for programs as they are borne by the state
- 8 and federal governments; and
- 9 *Whereas*, the proposals of the "New Federalism" and
- 10 the budget pose dramatic challenges to the financial
- 11 planning and ability of the states; and
- 12 *Whereas*, the governor has recently conferred with
- 13 the president in regard to these proposals; and

14 *Whereas*, the president will be addressing the general
15 assembly on February 9, 1982, *Now Therefore*,
16 *Be It Resolved by the Senate*, That the governor is
17 invited to address the general assembly on February 11,
18 1982 regarding the effects the proposals of New Federalism
19 and the proposed federal budget may have on the financial
20 abilities of the state and the services provided to the
21 citizens of this state by the state and federal govern-
22 ments.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 2131, by Carney, Brown, Anderson, Baugher, Bisenius, Briles, Carr, Coleman, Comito, Craft, Deluhery, Doyle, Drake, Dreeszen, Gallagher, Gentleman, Goodwin, Gratias, Hester, Holden, Hulse, Hultman, Husak, Hutchins, Jensen, Junkins, Kinley, Kudart, Lura, Miller of Cerro Gordo, Miller of Des Moines, Murray, Nystrom, Palmer, Priebe, Readinger, Rodgers, Schwengels, Slater, Small, Taylor, Tieden, Vande Hoef, Van Gilst, Waldstein, Wells and Yenger, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties.

Read first time and passed on file.

Senate File 2132, by Committee on Ethics, a bill for an act to make the preparation of a code of ethics by the committee on ethics of each house of the general assembly a duty only during the first session of each general assembly.

Read first time and placed on calendar.

Senate File 2133, by Bisenius, a bill for an act relating to the personal liability of judicial officers of the district court for damages caused by persons convicted of forcible felonies while released from custody on a suspended sentence or on personal recognizance.

Read first time and passed on file.

Senate File 2134, by Committee on Transportation, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways including combinations of vehicles coupled together used exclusively for the transportation

of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis and boats if the overall length of the combination of vehicles does not exceed sixty-five feet and semitrailers with a distance of not more than forty feet between the kingpin and the rearmost axle.

Read first time and placed on calendar.

Senate File 2135, by Carr, a bill for an act relating to the acquisition of legal settlement on the basis of a time period for which a person receives county general relief or certain other county assistance or county residential support or services.

Read first time and passed on file.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

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

The Senate resumed session, President Branstad presiding.

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 the 4th day of February, 1982.

Senate Files 277, 518 and 522.

K. MARIE THAYER
Secretary of the Senate

STUDY BILLS RECEIVED

S.S.B. 2147 Education

Relating to contracts with administrators of a school corporation.

S.S.B. 2148 Education

Relating to and making appropriations to departments responsible for education programs of this state for the fiscal year beginning July 1, 1981 and providing that the Act takes effect upon its publication.

S.S.B. 2149 State Government

Relating to increases in retirement benefits for certain public employees, including certain members already retired under the Iowa public employees' retirement system and local police and fire retirement systems, and providing an appropriation.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND MENTAL HEALTH

Convened: February 3, 1982, 9:40 a.m.

Members Present: Baugher, Chair; Doyle, Ranking Member; DeKoster and Deluhery.

Members Absent: Gentleman.

Other Committee Business: Presentations on supplemental funds FY 82 and 83 by Bill Armstrong—capitol improvements at Glenwood, Eldora and Independance; Harold Templeman, funding mechanisms for community-based MH and Mental Retardation Services; Chuck Palmer, MF/Mental Retardation Services Fund of Senate File 572; Jack Dack, Dack Care Facility; Ron Stehl, Restructured State Juvenile Institutional programs and Community-Based Juvenile Grants; Debbie Westvold, Iowa Prison Population, capacity and classification.

Adjourned: 11:08 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 3, 1982, 9:35 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen and Nystrom.

Members Absent: Hutchins (excused).

Other Committee Business: Review of 1982 and 1983 supplemental appropriations bill drafts; review of federal block grant information; review of Regents bonding authorized for FY 83.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 3, 1982, 10:40 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Recommended supplemental appropriations for 1983 for Department of Environmental Quality; hearing with the Iowa Geological Survey.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 3, 1982, 9:37 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown and Vande Hoef.

Members Absent: Craft (excused).

Other Committee Business: Roger Herr, Bureau of Financial Assistance, DSS, gave presentation on shelter assistance; Sandy Scott, Director of Community Programs, DSS, gave presentation on state supplementary assistance and medical carriers; Don Kassar, Medical Services, DSS, gave presentation on Title XIX.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 3, 1982, 9:30 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Lura, Taylor and Wells.

Members Absent: none.

Other Committee Business: Appropriation recommendations for Merit, Employment Department.

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND LAW ENFORCEMENT

Convened: February 3, 1982, 9:37 a.m.

Members Present: Bisenius, Chair; Coleman, Ranking Member; Anderson, Drake and Holden.

Members Absent: none.

Other Committee Business: Approved supplemental appropriations for Iowa Law Enforcement Academy and Department of Public Safety for FY 82; amended and approved supplemental appropriations to Iowa Law Enforcement Academy, Department of Public Defense and Department of Public Safety for FY 83.

Adjourned: 9:55 a.m.

CITIES

Convened: February 3, 1982, 3:06 p.m.

Members Present: Readinger, Chair; A. Miller, Ranking Member; Carney, Holden, Kinley, Slater and Wells.

Members Absent: Comito, Vice Chair and Waldstein.

Other Committee Business: Assigned SSB 2138 to subcommittee.

Adjourned: 3:10 p.m.

EDUCATION

Convened: February 3, 1982, 3:05 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells.

Members Absent: none.

Final Bill Action: SENATE FILE 2076, a bill for an act relating to the publication of financial statements by the boards of merged areas.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, Dreeszen, Jensen, Small, Taylor and Wells. Nays, 1: DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2077, a bill for an act relating to the auditing of claims by a board of directors of a merged area.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; SSB 2109 ordered redrafted for final approval as a committee bill; discussed SSB 2063.

Adjourned: 3:35 p.m.

ETHICS

Convened: February 3, 1982, 12:10 p.m.

Members Present: Taylor, Chair; Kinley, Ranking Member; Craft, Deluhery and nonlegislative member, John Mowry.

Members Absent: Readinger and nonlegislative member, Nolden Gentry.

Final Bill Action: SENATE FILE 2132, a bill for an act to make preparation of a code of ethics by the committee on ethics of each house of the general assembly a duty only during the first session of each general assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Taylor, Kinley, Craft, Deluhery and Mowry. Nays, none. Absent or not voting, 2: Readinger and Gentry.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE RESOLUTION 106, a resolution providing for a code of ethics for the 1982 session.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 5: Taylor, Kinley, Craft, Deluhery and Mowry. Nays, none. Absent or not voting, 2: Readinger and Gentry.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:37 p.m.

JUDICIARY

Convened: February 3, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Small, Taylor and Deluhery (arrived 3:25 p.m.).

Members Absent: none.

Final Bill Action: SENATE FILE 2130 (SSB 2098), a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under Chapter 229.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bill to subcommittee.

Adjourned: 3:30 p.m.

NATURAL RESOURCES

Convened: February 3, 1982, 8:10 a.m.

Members Present: Goodwin, Vice Chair; Van Gilst, Ranking Member; Kudart, Rodgers and Tieden.

Members Absent: Schwengels, Chair; Gentleman, Hutchins (all excused) and Gallagher.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:20 a.m.

TRANSPORTATION

Convened: February 2, 1982, 1:40 p.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Bisenius, Comito, Doyle, Hutchins, A. Miller and Nystrom.

Members Absent: Murray.

Final Bill Action: SENATE FILE 2134 (SSB 2117), a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways including combinations of vehicles coupled together used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis and boats if the overall length of the combination of vehicles does not exceed sixty-five feet and semitrailers with a distance of not more than forty feet between the kingpin and the rearmost axle.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Drake, Jensen, Coleman, Bisenius, Comito, Doyle, Hutchins, A. Miller and Nystrom. Nays, none. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Captain Peterson, Iowa Highway Patrol, spoke on Senate File 26—committee discussion held.

Adjourned: 2:00 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2118	Education
S. F.	2119	Ways and Means
S. F.	2120	Education
S. F.	2121	Labor and Industrial Relations
S. F.	2122	State Government
S. F.	2123	Commerce
S. F.	2124	Ways and Means
S. F.	2125	Education

AMENDMENTS FILED

S—5061	S. F.	396	Edgar H. Holden
S—5062	S. F.	2095	Richard F. Drake
S—5063	S. F.	312	Lowell L. Junkins Bass Van Gilst William D. Palmer
S—5064	S. F.	396	Lucas J. DeKoster
S—5065	S. F.	396	Edgar H. Holden
S—5066	S. F.	2110	Emil J. Husak
S—5067	S. F.	2100	John W. Jensen

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:35 p.m., until 9:00 a.m., Friday, February 5, 1982.

JOURNAL OF THE SENATE

TWENTY-SIXTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 5, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Norman Ullestad, pastor of the Grace Lutheran Church, Des Moines, Iowa.

The Journal of Thursday, February 4, 1982, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 3, 1982, amended and adopted the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution.

INTRODUCTION OF BILL

Senate File 2136, by Waldstein, Hester, Tieden, Gratias and Rodgers, a bill for an act to provide for a state council and county commissions to study the preservation of land and the adoption of a land preservation plan at the county level.

Read first time and passed on file.

UNFINISHED BUSINESS
(Pending February 4, 1982)

House File 829

The Senate resumed consideration of House File 829, a bill for an act relating to the investigations, communications and reports of the citizens' aide office, pending on February 4, 1982.

Senator Schwengels asked and received unanimous consent that further action on **House File 829** be deferred.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2084.

Senate File 2084

On motion of Senator Nystrom, Senate File 2084, a bill for an act making technical corrections to descriptions of legislative districts effective for the 1982 general election, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2084) the vote was:

Ayes, 43:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Comito	DeKoster
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 7:

Bisenius
Gentleman

Briles
Kinley

Craft
Rush

Deluhery

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.

INTRODUCTION OF BILL

Senate File 2137, by Rush and Kudart, a bill for an act relating to the operation and funding of emergency services telephone networks.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Brown and Priebe for the remainder of the day on request of Senator Junkins; Senators Gratias and Carney for the remainder of the day on request of Senator Hultman.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2089.

Senate File 2089

On motion of Senator Taylor, Senate File 2089, a bill for an act permitting school districts to combine the positions of secretary and treasurer, was taken up for consideration.

Senator Taylor asked and received unanimous consent that **House File 2112** be substituted for **Senate File 2089**.

House File 2112

On motion of Senator Taylor, House File 2112, a bill for an act permitting school districts to combine the positions of secretary and treasurer, was taken up for consideration.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2112) the vote was:

Ayes, 42:

Anderson	Baughner	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Vari Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Bisenius	Briles	Brown	Carney
Gentleman	Gratias	Kinley	Priebe

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

WITHDRAWN

Senator Hultman asked and received unanimous consent that **Senate File 2089** be withdrawn from further consideration of the Senate.

UNFINISHED BUSINESS
(Deferred February 4, 1982)

Senate File 312

The Senate resumed consideration Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive, and amendment S—5063 by Senators Junkins, Van Gilst and Palmer, deferred on February 4, 1982.

Senator Junkins moved the adoption of amendment S—5063 to page 1 and the title page of the bill.

A record roll call was requested.

On the question "Shall amendment S—5063 be adopted?" (S.F. 312) the vote was:

Ayes, 18:

Anderson	Carr	Coleman	Deluhery
Doyle	Gallagher	Husak	Hutchins
Junkins	Miller, A.V.	Miller, C.P.	Palmer
Rodgers	Rush	Slater	Small
Van Gilst	Wells		

Nays, 26:

Baughner	Bisenius	Briles	Comito
Craft	DeKoster	Drake	Dreeszen
Goodwin	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Lura
Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Vande Hoef
Waldstein	Yenger		

Absent or not voting, 6:

Brown	Carney	Gentleman	Gratias
Kinley	Priebe		

Amendment S—5063 lost.

Senator Readinger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 312) the vote was:

Ayes, 43:

Anderson	Baugher	Bisenius	Briles
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 7:

Brown	Carney	Gentleman	Gratias
Holden	Kinley	Priebe	

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)

House Concurrent Resolution 105

On motion of Senator Hultman, House Concurrent Resolution 105, a resolution congratulating the Iowa Hawkeyes Football Team, filed January 28, 1982, and found on pages 221-222 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Hultman moved the adoption of House Concurrent Resolution 105, which motion prevailed by a voice vote.

INTRODUCTION OF BILL

Senate File 2138, by Taylor, a bill for an act exempting

machinery used in manufacturing and computers acquired on or after January 1, 1982 from assessment and valuation for property tax purposes, providing for the assessment and valuation of machinery used in manufacturing and computers acquired prior to January 1, 1982, making the Act retroactive, to be effective upon publication.

Read first time and passed on file.

9
APPENDIX

SUBCOMMITTEE ASSIGNMENTS**SENATE JOINT
RESOLUTION 2002**

State Government
Nystrom, Chair
Schwengels
Slater

SENATE FILE 2071

State Government
Slater, Chair
Gentleman
Drake

SENATE FILE 2075

Judiciary
Ramsey, Chair
DeKoster
Rush
Murray
Doyle

SENATE FILE 2081

Judiciary
Kudart, Chair
Coleman
Lura

SENATE FILE 2087

Ways and Means
Holden, Chair
Craft
Rodgers

SENATE FILE 2091

Ways and Means
Craft, Chair
Holden
Priebe

SENATE FILE 2094

Ways and Means
Craft, Chair
Readinger
Rodgers

SENATE FILE 2070

Transportation
Jensen, Chair
Bisenius
A. Miller

SENATE FILE 2073

State Government
Nystrom, Chair
Schwengels
Slater

SENATE FILE 2079

Judiciary
Rush, Chair
Kudart
Carr

SENATE FILE 2083

Judiciary
Small, Chair
Dreeszen
Deluhery

SENATE FILE 2090

Natural Resources
Hutchins, Chair
Goodwin
Kudart

SENATE FILE 2093

State Government
Nystrom, Chair
Schwengels
Slater

SENATE FILE 2095

Ways and Means
Craft, Chair
Readinger
Rodgers

SENATE FILE 2097

Commerce
 Baugher, Chair
 Craft
 Rush

SENATE FILE 2099

State Government
 Lura, Chair
 Schwengels
 C. Miller

SENATE FILE 2107

Commerce
 DeKoster, Chair
 Comito
 Rush

SENATE RESOLUTION 102

Rules and Administration
 Holden, Chair
 Kinley
 Ramsey

HOUSE FILE 2034

Commerce
 Comito, Chair
 Jensen
 Priebe

SSB 2111

State Government
 Slater, Chair
 Schwengels
 Lura

SSB 2118

Transportation
 Hutchins, Chair
 Comito
 Bisenius

SSB 2122

State Government
 Tieden, Chair
 Schwengels
 Gallagher

SENATE FILE 2098

County Government
 Briles, Chair
 C. Miller
 Yenger

SENATE FILE 2102

State Government
 Drake, Chair
 Gallagher
 Lura

SENATE FILE 2109

State Government
 Hutchins, Chair
 Schwengels
 Drake

SENATE RESOLUTION 103

Rules and Administration
 Hultman, Chair
 Junkins
 Hulse

SSB 2016

State Government
 Palmer, Chair
 Lura
 Hutchins

SSB 2117

Transportation
 Jensen, Chair
 Coleman
 Drake

SSB 2119

Ways and Means
 Husak, Chair
 Hester
 Ramsey

SSB 2123

Natural Resources
 Tieden, Chair
 Goodwin
 Van Gilst
 Schwengels
 Hutchins

SSB 2124

Judiciary
Doyle, Chair
Lura
Coleman

SSB 2126

County Government
Hester, Chair
C. Miller
Priebe

SSB 2128

Natural Resources
Tieden, Chair
Hutchins
Kudart

SSB 2131

State Government
Gentleman, Chair
Drake
Gallagher

SSB 2133

State Government
Schwengels, Chair
Tieden
Hutchins

SSB 2135

Judiciary
Rush, Chair
Ramsey
Coleman

SSB 2138

Cities
Readinger, Chair
Carney
Slater

SSB 2140

State Government
Schwengels, Chair
Briles
Carr

SSB 2125

Judiciary
Ramsey, Chair
Baugher
Doyle
Murray
Coleman

SSB 2127

Judiciary
Baugher, Chair
Coleman
Doyle

SSB 2129

Natural Resources
Schwengels, Chair
Gentleman
Van Gilst

SSB 2132

State Government
Nystrom, Chair
Schwengels
Slater

SSB 2134

State Government
Tieden, Chair
Briles
Palmer

SSB 2136

Natural Resources
Goodwin, Chair
Kudart
Rodgers

SSB 2139

State Government
Drake, Chair
Lura
Gallagher

SSB 2144

Judiciary
Murray, Chair
Rush
DeKoster

SSB 2145

State Government
 Nystrom, Chair
 Schwengels
 Slater

SSB 2149

State Government
 Nystrom, Chair
 Schwengels
 Slater

STUDY BILLS RECEIVED**S.S.B. 2150 Transportation and Law Enforcement**

Appropriating supplemental or additional funds from the general fund of the state to the Iowa law enforcement academy and the department of public safety for the fiscal year beginning July 1, 1981 and ending June 30, 1982.

S.S.B. 2151 State Government

Revising the Iowa code of military justice including providing penalties.

S.S.B. 2152 Education

Creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2127	Human Resources
S. F.	2128	State Government
S. F.	2129	Ways and Means
S. F.	2131	State Government
S. F.	2133	Judiciary
S. F.	2135	County Government
S. R.	107	Rules and Administration
H. F.	2147	Education

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

Convened: February 4, 1982, 12:00 noon.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen and Hutchins.

Members Absent: Nystrom (excused).

Other Committee Business: Subcommittee approved and submitted FY 82 supplemental appropriations recommendations to the full Appropriations Committee.

Adjourned: 12:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 4, 1982, 12:20 p.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Subcommittee approved and submitted bill, as amended, concerning FY '82 budget recommendations to the full Appropriations Committee.

Adjourned: 12:40 p.m.

STATE GOVERNMENT

Convened: February 4, 1982, 3:07 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Carr, Drake (arrived 3:10 p.m.), Gallagher, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: Craft and Gentleman.

Other Committee Business: Assigned bills to subcommittees; approved SSB 2139 and SSB 2145 as committee bills; amended and approved SSB 2149 as a committee bill.

Adjourned: 3:35 p.m.

WAYS AND MEANS

Convened: February 4, 1982, 1:33 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: none.

Other Committee Business: Discussed bills.

Adjourned: 2:55 p.m.

AMENDMENTS FILED

S—5068	S. J. R.	6	House Amendment
S—5069	S. F.	2098	C. Joseph Coleman
S—5070	S. F.	2098	C. Joseph Coleman

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:15 a.m., until 10:00 a.m., Monday, February 8, 1982.

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 8, 1982

The Senate met in regular session at 10:08 a.m., President Branstad presiding.

Prayer was offered by Father Lawrence Beeson, pastor of the St. Patricks Catholic Church, Neola, Iowa.

The Journal of Friday, February 5, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Reams, M.D., New Hampton, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kinley for the day and February 9, 1982, on request of Senator Junkins and Senator Waldstein for the day on request of Senator Hultman.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 2, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 397, a bill for an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees.

INTRODUCTION OF BILLS

Senate File 2139, by Anderson, a bill for an act relating to the exemption of the sale of certain foods from the state sales, services and use tax.

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

Senate File 2140, by Schwengels, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds for the program, and making coordinating amendments.

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

Senate File 2141, by Schwengels, a bill for an act authorizing the establishment of a joint county indigent defense fund and the levy of a property tax for that purpose.

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2126.

Senate File 2126

On motion of Senator Small, Senate File 2126, a bill for an act to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in section 586.1, was taken up for consideration.

Senator Small moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2126) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Comito
Ramsey

Craft
Waldstein

Kinley

Murray

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

Senate Resolution 105

On motion of Senator Hultman, Senate Resolution 105, a resolution regarding gubernatorial appointments for 1982, filed February 3, 1982, and found on pages 265-268 of the Senate Journal, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 8, 1982, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 111

By: Pope and Avenson

- 1 *Whereas*, the President of the United States, Ronald
- 2 Reagan, has accepted an invitation to address a joint
- 3 convention of the 1982 session of the Sixty-ninth General
- 4 Assembly, *Now Therefore*,
- 5 *Be It Resolved by the House of Representatives, the*
- 6 *Senate Concurring*, That a joint convention of the 1982
- 7 session of the Sixty-ninth General Assembly be held on
- 8 Tuesday, February 9, 1982, at 9:15 a.m., in order that
- 9 the President of the United States, Ronald Reagan, may
- 10 address the joint convention; and
- 11 *Be It Further Resolved*, That Governor Robert D. Ray,
- 12 the Chief Justice, members of the Supreme Court and Appellate
- 13 Court, the elected state officials, and the Iowa Congressional
- 14 delegation be invited to attend the joint convention; and
- 15 *Be It Further Resolved*, That the Speaker of the House

16 and the President of the Senate be designated to deliver this
17 invitation to them.

Read first time and referred to the committee on Rules and Administration.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2103.

Senate File 2103

On motion of Senator Holden, Senate File 2103, a bill for an act relating to the regulation of electric transmission lines operated at less than thirty-four thousand five hundred volts, was taken up for consideration.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2103) the vote was:

Ayes, 40:

Baughner	Bisenius	Briles	Carr
Coleman	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Yenger

Nays, 5:

Anderson	Brown	Gallagher	Gratias
Wells			

Voting present, 1:

Carney

Absent or not voting, 4:

Comito

Kinley

Ramsey

Waldstein

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 2103 passed the Senate on February 8, 1982.

C. JOSEPH COLEMAN

CONSIDERATION OF BILLS (Regular Calendar)

Senate Resolution 106

On motion of Senator Taylor, Senate Resolution 106, a resolution providing for a code of ethics for the 1982 session, filed February 3, 1982, and found on page 268 of the Senate Journal, was taken up for consideration.

Senator Taylor moved the adoption of Senate Resolution 106, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2100.

Senate File 2100

On motion of Senator Jensen, Senate File 2100, a bill for an act relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license, was taken up for consideration.

Senator Jensen withdrew amendment S—5067 filed by him on February 4, 1982, to pages 1, 2 and 3 of the bill.

President pro tempore Ramsey took the chair at 10:40 a.m.

Senator Carney took the chair at 10:45 a.m.

Senator Jensen offered amendment S—5073 filed by him from the floor to pages 1, 2 and 3 of the bill.

Senator Rush asked and received unanimous consent that further action on **Senate File 2100** and amendment S—5073 be deferred.

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Bill Action: HOUSE CONCURRENT RESOLUTION 111, a resolution providing a joint convention for an address by the President of the United States.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF RESOLUTION

Senator Holden asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 111.

House Concurrent Resolution 111.

On motion of Senator Holden, House Concurrent Resolution 111, a resolution providing a joint convention for an address by the President of the United States, filed February 8, 1982, found on pages 315-316 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Holden moved the adoption of House Concurrent Resolution 111, 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 House File 856.

House File 856

On motion of Senator Ramsey, House File 856, a bill for an act to legalize the proceedings of the city council of Chariton relating to the construction of certain buildings, with report of committee recommending passage, was taken up for consideration.

President Branstad took the chair at 11:05 a.m.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 856) the vote was:

Ayes, 45:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Wells
Yenger			

Nays, 1:

DeKoster

Absent or not voting, 4:

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

RECESS

On motion of Senator Hultman, the Senate recessed at 11:12 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2142, by Hester, a bill for an act permitting border cities and counties to regulate beer and liquor control licensed establishments in certain respects.

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

Senate File 2143, by Small, a bill for an act relating to the protection and preservation of archaeological sites and objects and providing penalties.

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

Senate File 2144, by Bisenius, a bill for an act requiring voter approval of the construction of a new school building with funds collected under the schoolhouse tax.

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

Senate File 2145, by Tieden, a bill for an act relating to the lawful size of traps designed to kill instantly.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 367.

Senate File 367

On motion of Senator Ramsey, Senate File 367, a bill for an act relating to money received by criminals as a result of the commission of crime, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ramsey offered amendment S—5038 filed by the committee on Judiciary on January 26, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5038 was adopted by a voice vote.

Senator DeKoster offered amendment S—5058 filed by him on February 3, 1982, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5058 was adopted by a voice vote.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 367) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Cornito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senator Hultman asked and received unanimous consent to take up out of order House File 772.

House File 772

On motion of Senator Goodwin, House File 772, a bill for an act establishing a hunter safety and ethics education program and subjecting violators to a penalty, to be effective July 1, 1983, with

report of committee recommending amendment and passage, was taken up for consideration.

Senator Schwengels offered amendment S—3511 filed by the committee on Natural Resources on April 16, 1981, to page 1 of the bill.

Senator Junkins asked and received unanimous consent that further action on **House File 772** and amendment S—3511 be **deferred**.

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2101.

Senate File 2101

On motion of Senator Dreeszen, Senate File 2101, a bill for an act amending the schedule of controlled substances, was taken up for consideration.

Senator Dreeszen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2101) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, none.

Absent or not voting, 4:

Kinley	Lura	Rodgers	Yenger
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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 Rodgers for the remainder of the day on request of Senator Junkins.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 797.

House File 797

On motion of Senator Waldstein, House File 797, a bill for an act relating to the certified eligible list for promotion for city civil service, with report of committee recommending passage, was taken up for consideration.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 797) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2046.

Senate File 2046

On motion of Senator Van Gilst, Senate File 2046, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation, with report of committee recommending passage, was taken up for consideration.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2046) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2068.

Senate File 2068

On motion of Senator Nystrom, Senate File 2068, a bill for an act relating to payment of expenses by boards of directors of merged areas, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2068) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senator Hultman asked and received unanimous consent to take up out of order House File 444.

House File 444

On motion of Senator Anderson, House File 444, a bill for an act relating to the payment of state aid for pupils previously enrolled in a laboratory school, with report of committee recommending passage, was taken up for consideration.

Senator Anderson moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 444) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2077.

Senate File 2077

On motion of Senator Nystrom, Senate File 2077, a bill for an act relating to the auditing of claims by a board of directors of a merged area, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2077) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
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Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 3:

Carr	Gallagher	Priebe
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Absent or not voting, 4:

Kinley	Lura	Rodgers	Small
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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 428** be referred from the Regular Calendar to the committee on **Human Resources**.

CONSIDERATION OF BILL (Regular Calendar)

Senate File 568

On motion of Senator Anderson, Senate File 568, a bill for an act relating to the regulation of boxing or wrestling matches and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **Senate File 568** be **deferred** and that the bill be placed on the calendar under **unfinished business**.

BUSINESS PENDING

Senate File 2100

The Senate resumed consideration of Senate File 2100 and amendment S—5073 by Senator Jensen, previously deferred.

Senator Jensen offered amendment S—5074 filed by Senators Jensen, Rush and Gallagher from the floor to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5074 was adopted by a voice vote.

Senator Jensen moved the adoption of amendment S—5073 to pages 1, 2 and 3 of the bill, which motion prevailed by a voice vote.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2100) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 446.

Senate File 446

On motion of Senator Kudart, Senate File 446, a bill for an act establishing a precious metal dealer's license and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kudart offered amendment S—5075 filed by him from the floor to pages 1, 2 and 3 of the bill and moved its adoption.

Amendment S—5075 was adopted by a voice vote.

Senator Kudart offered amendment S—5054 filed by the committee on State Government on January 29, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5054 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that further action on **Senate File 446** be deferred.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 8, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

H.F. 783—Relating to the licensing and examining boards, including the Board of Medical Examiners, and providing a penalty.

H.F. 846—Relating to regulatory activities of the Department of Insurance and the fees payable by persons subject to such regulation.

H.F. 857—To legalize the proceedings of the city council and city engineer of the city of Cresco, Iowa, relating to the execution of a certain contract.

ALSO:

S.F. 277—To authorize the Director of the Division of Adult Corrections of the Department of Social Services to implement an inmate employment program.

S.F. 518—Relating to the registration of foreign support orders under Iowa's uniform support of dependents law.

S.F. 522—To require that the Department of Public Instruction and the area education agencies encourage schools to offer programs for gifted and talented children.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2136	Natural Resources
S. F.	2137	Commerce
S. F.	2138	Ways and Means

STUDY BILLS RECEIVED

S.S.B. 2153 State Government

Relating to the contract price for construction of a public improvement which requires a bond.

S.S.B. 2154 State Government

To provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement.

S.S.B. 2155 Labor and Industrial Relations

Relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

S.S.B. 2156 Judiciary

Relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry.

S.S.B. 2157 Commerce

Authorizing the measurement of consumer sales of liquefied petroleum gas by use of a temperature compensated meter.

EXPLANATION OF VOTES

MR. PRESIDENT: I was serving on an educational panel part of the morning Friday, February 5, 1982, and therefore was absent from the Senate.

Had I been present, I would have voted "aye" on Senate File 312 and House File 2112.

CLARENCE S. CARNEY

REPORT OF COMMITTEE MEETING**WAYS AND MEANS**

Convened: February 5, 1982, 11:30 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Priebe (excused).

Other Committee Business: Discussed SSB 2027.

Adjourned: 12:07 p.m.

PETITIONS

The following petitions were presented and placed on file by:

Senator Taylor from sixty-nine residents of Iowa favoring legislation to preserve remaining undeveloped natural areas by making them tax exempt as far as property taxes are concerned.

Senator Doyle from nine residents of Monona County opposing legislation which would use IPERS funds for real estate mortgage loans.

PRESENTATION OF VISITOR

President Branstad welcomed the Honorable James Schaben, former member of the Senate from Harrison County, who was present in the Senate chamber.

AMENDMENTS FILED

S—5071	S. F.	2134	Arthur L. Gratiias C.W. Bill Hutchins Richard F. Drake
S—5072	S. F.	397	House Amendment
S—5073	S. F.	2100	John W. Jensen
S—5074	S. F.	2100	John W. Jensen Bob Rush James V. Gallagher
S—5075	S. F.	446	A.R. Bud Kudart

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:25 p.m., until 8:30 a.m., Tuesday, February 9, 1982.

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 9, 1982

The Senate met in regular session at 8:40 a.m., President Branstad presiding.

Prayer was offered by the Reverend Frederick W. Strickland, pastor of the Corinthian Baptist Church, Des Moines, Iowa.

The Journal of Monday, February 8, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curtis Wuest, M.D., Marshalltown, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Doyle for the day on request of Senator Junkins.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

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 111, duly adopted, the Senate proceeded to the House.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 111, duly adopted, the joint convention was called to order at 9:45 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.

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

The joint convention resumed session, President Branstad presiding.

The Sergeant-at-Arms announced that the President of the United States and the Governor of the State of Iowa were present in the House chamber.

The President of the United States, Ronald Reagan, was escorted to the Speaker's station by the Governor of Iowa, Robert D. Ray.

The President of the Senate introduced to the joint convention the Honorable Robert D. Ray, Governor of the State of Iowa.

Governor Ray presented the President of the United States with the following remarks:

Thank you, Terry.

Mr. President, on behalf of everyone in this chamber and nearly three million good Iowans, I welcome you to this Special Joint Convention, to our State Capitol and to our "home"... Iowa.

Iowa is a state with good reason to be proud of many firsts. Today, we are proud that you have come here to talk to us, in this, your first appearance in a series of speeches to legislatures around our land.

You will find people who want to listen, and who want to work with you. We want you to succeed; for if you succeed, we as a people will succeed.

Mr. President, in your first year in office you have helped us to appreciate again some of the values which have made America great. You have encouraged volunteerism. You have promoted patriotism. And, by word and deed, you have reminded us that America is a place where there is still heroism.

Mr. President, we are glad you are with us. Ladies and Gentlemen, it is my privilege to introduce to you, the President of the United States.

Remarks by the
PRESIDENT OF THE UNITED STATES
RONALD REAGAN

It is good to be here with you today, but I must tell you my real mission in Des Moines is at WHO radio. Some years back, as you may know, I recreated ball games on the air based on reports that came over the telegraph. Now I'd like to recreate the Rose Bowl game and this time around we are going to win.

When I knew the Hawkeyes back in the thirties, they were struggling to get out of one of those low spots that come every once in a while to a school and a team.

This year, Coach Hayden Fry, quarterback Gordy Bohannon and the rest of the team rode the comeback trail all the way to the Rose Bowl. We can all be proud that such spirit, courage and strength of character are alive and well in our country's heartland.

Our country today is at a turning point. We have lived too long by the maxims of past decades, lost in a jungle of Government bureaucracy, tangled in its web of programs and regulations. Almost all of those Government initiatives were intended to relieve suffering, enforce justice or preserve an environment threatened by pollution. But for each ounce of blessing, a pound of freedom was quietly stolen.

An all-intrusive Federal Government with big taxing and big spending doesn't work, never has worked, and never will. Those who cling to the policies of yesterday, who offer us only retreat, would condemn us and our children to decades more of economic decay—decades in which our days of greatness would be just a dim memory.

That's what I have come here to talk about; moving forward. It will take spirit, courage and strength for the long haul, but we must do it. I'm not here to promise miracles. But I believe we can promise progress.

So I have come to Des Moines to consult with you—to seek your counsel and your support as, together, we take the high road to national recovery and renewal. We share the trust of elected office, you for your State and I for our country. The people who sent you into office also sent me, and I have come to cement again the bond of partnership too many have forgotten.

Together we must go forward to ensure a decent standard of living for all Americans, but we must also protect for the next generation this fragile state of freedom so rare in the world and in the history of man.

I think we have taken the right first steps. We have begun to rebuild America's defenses, which had been left in dangerous decline. We have made clear our commitment to peace and stability in the world, and our willingness to participate in strategic arms reduction. But we also have made clear that we will not look the other way as aggressors usurp the rights of independent people, or watch idly while they foment revolutions to impose the rule of tyrants. We will not turn our backs on those who seek to gain or secure their liberty, and we will not back down from our duty to keep America strong enough to remain both free and at peace.

At home we have begun our campaign to return our economy and Government to our people.

Our program for economic recovery and our proposal to restore the partnership between State, local and Federal government are born from the same philosophy. They spring from an abiding faith in the American people, and in our ability to govern ourselves.

Forty years of uncontrolled Government growth and mismanagement—forty years of removing the American economy from the hands of the American people—have resulted in the painful recession that grips us today. In 4 short months our programs have begun to restore incentive, cut away strangling regulations and, for the first time in decades, make significant gains against the budget monster.

And what do you know?

Inflation has dropped to single digits for the first time in 3 years—but it is not low enough yet. Interest rates are below their once dizzying heights, but not yet low enough.

Our tax and budget cuts were the largest in history, but they only reduced the rate of increase in taxing and spending. We must hold firm to our tax cuts and reduce the budget even more. We have much to do before we will see the light, but I think we are at least approaching the bend in the tunnel.

Deficits, it is true, still loom large in our forecasts, but they should not overshadow the incentive and drive that is already building in our people. Our people are beginning to save again. There has been an increase in the savings rate since the fiscal year and our programs began in October. The private savings pool could grow as much as \$250 billion by 1984. This will bring needed growth to our economy and ease the strain on the money supply. In addition, yesterday we submitted to the Congress a budget schedule that will reduce the Federal deficit every year. Our deficits will be trending downward.

I'd like to pause here a moment and clear up a couple of things about the budget proposal we sent to Congress yesterday, so if the reporters would pick up their pencils and the TV correspondents turn on their cameras, I have an announcement.

There will be no general budget cut this year, and there was no budget cut last year. What we did and what we are doing, is reducing the rate of growth in federal spending. What we are doing is bringing old-fashioned discipline to the budget. Even before the budget came out you could hear the sound of knees jerking all over Washington. The knee jerk reactions and instant analysis were as hasty as they were incorrect. Despite all the talk, there is a deafening silence on alternatives. From these two pronouncements, you wouldn't know that under our proposed spending for the elderly we'll set a new record of \$210 billion, more than double the amount as recently as 1978. You wouldn't know to hear them that 19 million people will still get food stamps and over 95 million meals a day, one out of every seven, will still be subsidized, that Head Start, the National Institute of Health, Minority Business

Assistance and two traditionally black colleges and other major programs will not be reduced from our 1982 requests. Suddenly people who previously believed that deficit was something that you tried to increase were bemoaning the fact that we had one.

They didn't tell you that this year's budget marks the lowest annual budget growth in fourteen years. They didn't tell you that this deficit is actually smaller in proportion to Gross National Product than in the last recession recovery cycle of 1975-78, or that the deficits would decline in future years. Yes, the deficit is too big, but I'm not about to use a magic pencil and merely create a balanced budget or a lower deficit on paper as has been done in the past. The budget we propose is a line drawn in the dirt. Those who are serious about reducing the deficit will cross it and work with us on our proposal or their alternatives. Those who are not sincere in their concern about the deficit will stay on the other side and simply continue the theatrics. The American people are tired of theatrics. They want action, and let me tell you, they know the difference.

Our first commitment was to secure America's freedom. We are rebuilding our defenses. Our second commitment was to restore America's economy. We have in place the first installments of a solid program for economic recovery. We turn now to our next commitment; paring the unmanageable size of the Federal bureaucracy, returning government to the governed.

Removing the possibility of solving problems where they occur, forcing Americans to accept the dictates of a swollen bureaucracy in Washington instead of dealing with their neighbors in city hall or the statehouse, has to be one of the more serious mistakes of this century. The Federal Government has become involved in such traditionally local concerns as fire protection, police pensions, welfare and pothole repair. In the last 20 years, the volume of grants-in-aid has virtually exploded.

For example, in 1960, total Federal involvement in fire protection amounted to a cooperative agreement between the Forest Service and state agencies. Today, every Federal Department, except State and Defense, and at least 11 other agencies have their fingers in the fire-related activities of State and local governments. And the taxpayer gets burned.

Divisions of responsibility have blurred beyond recognition. The intentions of big Government were good, but the result has been overwhelming inefficiency, waste and the kind of regulation that ends all hope of finding local answers to local needs. The willingness of the Federal Government to inject itself in matters more properly considered by city or county councils, school boards or State legislatures has resulted in a confused citizenry unsure of who to turn to, unaware of who to blame when things go wrong.

We have to face facts. As one mayor recently put it, big Government has led to an unstable economy, low productivity, and high unemployment. The American people want a change. America needs a change and we intend to provide it.

We have proposed the broad outlines of a plan to restore the accountability now missing in our bloated Government. We want to consult with you and your colleagues around the country to develop the details that will make it work.

Our initial program includes the transfer to the states of more than 40 Federal programs in the areas of education, transportation, community development and social services. And we want to send back the tax sources to pay for them, as well. But the centerpiece of the proposal is the almost dollar-for-dollar swap of two of the largest areas of welfare. The Federal Government would take over medicaid in exchange for State assumption of aid to families with dependent children and food stamps.

Since medicaid is growing at a much faster rate than those other programs, the Federal Government would assume the heavier burden.

We also have proposed a transition period of 8 years and establishment of a grass roots trust fund to ease the return of programs and tax bases. These are the areas we want to discuss with you.

Certain law enforcement and civil rights programs dealing with the handicapped and minorities should remain at the Federal level, but we want to re-establish with you a clear and workable philosophy to divide the functions of government.

Let us not confuse the ideals that launched the last 40 years of centralization with the failed realities it has produced. Let us recognize the good that has come from our past efforts, but also understand that we have come into a new day and must change the way we view government's role in our rapidly changing society.

Governor Thomas Kean of New Jersey, in his inaugural address last month, said: "We must turn to ourselves, to draw upon the diversity of our people and tap the strength inherent in that diversity. We cannot view this need to change with resignation; rather, it must be viewed as a challenge to our ingenuity, our dedication and our imagination."

Here in Iowa you have a strong, two-party system. Your Governor, Bob Ray, has provided strong leadership and your Congressional delegation—led by Senators Roger Jepsen and Chuck Grassley—serve you and our country well. Innovation and reform have been the hallmarks of this legislature. Your reapportionment plan has been called a model for the country. You have made significant advances against waste and fraud and have a tradition of top-quality public education.

Yet there are pundits in Washington who consider the statehouse to be the backwater of American politics. They do not trust you to run your own affairs. They do not trust you to show compassion to your needy nor justice to your disadvantaged.

Just a few weeks ago, someone in a key leadership position in the U.S. House of Representatives, one of the people who for decades has presided over the dissolution of our national economy and system of government, said he would be in no hurry to transfer the authority and resources that belong to you back to your control. He said he knew of a dozen States right now that would shirk their responsibilities. He didn't

happen to name those dozen states. It makes you wonder which States are not American enough for him? I'm sure the people in statehouses around this country would like to know.

First the elitists fought the tax cuts, saying the American people could not be trusted with an increased share of their own earnings. Now they say the people we elect to State and local office can't be trusted to run State and local affairs. Well then, who can we trust? A handful of individuals with a strong case of Potomac Fever; the very individuals who got us into this mess?

A recent Gallup poll says that today Americans by nearly 2-1 trust State governments more than the Federal Government to remain free of corruption and administer programs efficiently. Washington, D.C. has no corner on compassion or wisdom or morality. If we do nothing else in this Administration, we're going to convince that city that the power, the money and the responsibility of this country begin and end with the people and not in some puzzle palace on the Potomac.

Some would have us believe that today's world is too complex and our needs too large to be managed by self-rule. But if no one among us is capable of governing himself, then who among us has the capacity to govern the rest of us?

It has been said that we lose this way of ours—this thing we call freedom—history will record with the greatest astonishment that those who had the most to lose did the least to prevent its happening. That must not be said of us.

I have told you I am confident our economic recovery program will succeed. That is not wishful thinking. Our plan is based on simple logic. We have deficits because Government spends more than it takes in. We've had only one balanced budget in the last 20 years. Today's interest on the trillion dollar debt is greater than the total budget in Eisenhower's day. So we are reducing the size and cost of Government to bring the annual increase in costs to less than the increase in tax revenues. Increasing taxes is not an answer. We doubled taxes between 1976 and 1981 and had the biggest string of deficits in our history. Besides that, taxes reduced our ability as individuals to save.

Today we are last of the seven top industrial nations in savings and investment. Our industrial plant and machinery averages 17 years in age. In Japan, the average is 10 years. So we are reducing the tax rate. Government regulations have cost the American economy as estimated \$100 billion a year—we are reducing the number of regulations.

The Federal Government has, at great cost, been attempting to perform tasks that are not its proper function. So we are restoring the Tenth Amendment to the Constitution which says the Federal Government will do only those things called for in the Constitution and all others shall remain with the States or the people.

I do not believe our destiny is to watch this unique experiment in government slip from disrepair into decay. But if we remember that freedom rests, and always will, on the individual—on individual integrity, on individual effort, on individual

courage and in an individual faith in God—then we will have met the challenge of our generation, and brought our great Nation safely through our turning point in history.

I look to you today and in the coming weeks for guidance as we fashion a new framework for partnership in government. I ask you to join me as we move forward into a new and more prosperous era for America and for all of our people.

I promise you there will be no winners and no losers among the states. I promise you that it will be a fair trade and that the federal government will continue to meet its responsibilities for those things in the Constitution, as imposed upon it, but we will in turn have faith in your compassion, in your good judgment, and in your sense of responsibility to those people that you represent here in this great state.

Thank you very much and God bless you.

The President of the United States was escorted from the House chamber by Governor Ray.

On motion by Representative Pope, the joint convention was dissolved.

The Senate returned to the Senate chamber and resumed regular session, Senator Carney presiding.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:00 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 5, 1982, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 396, a bill for an act relating to an income tax checkoff for the state fish and game protection fund.

ALSO: That the House has on February 5, 1982, passed (with amendment H—5031 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

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

This bill was read first time and **passed on file**.

ALSO: That the House has on February 5, 1982, passed the following bills in which the concurrence of the Senate is asked:

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

The bill was read first time and **passed on file**.

House File 2027, a bill for an act to provide for a special turkey hunting license for landowners and tenants of farm units and their family members.

This bill was read first time and **passed on file**.

ALSO: That the House has on February 8, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication.

This bill was read first time and **passed on file**.

ALSO: That the House has on February 5, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 399, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

Senate File 494, a bill for an act relating to objections to the place of trial in a criminal action.

INTRODUCTION OF BILLS

Senate File 2146, by Committee on Education, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

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

Senate File 2147, by Committee on State Government, a bill for an act requiring display of headlights on vehicles operating from one-half hour before sunset to one-half hour after sunrise and making penalties applicable.

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

Senate File 2148, by Committee on State Government, a bill for an act relating to the authority of the state vehicle dispatcher.

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

Senate File 2149, by Gentleman, a bill for an act relating to vital statistics records, providing that certain records which are sixty-five years old or older may be inspected and copied at the local level, and requiring that records not yet sixty-five years old may only be inspected and copied for persons who pay a fee and demonstrate a direct and tangible interest, and providing increased penalties.

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

Senate File 2150, by Committee on Judiciary, a bill for an act defining "adjusted gross estate" as used in wills and certain trusts.

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

Senate File 2151, by Ramsey, Slater, Tieden, Briles and Wells, a bill for an act relating to zoning regulations for manufactured housing.

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

Senate File 2152, by Committee on Judiciary, a bill for an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors.

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

BILLS REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate Files 2076** and **2110** be referred from the Regular Calendar to the committee on **Education**.

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 9th day of February, 1982.

Senate File 294.

K. MARIE THAYER
Secretary of the Senate

STUDY BILLS RECEIVED**S.S.B. 2158 Natural Resources**

Relating to the authority of the department of environmental quality regarding fee schedules and the issuance of permits.

S.S.B. 2159 Labor and Industrial Relations

Relating to the base period upon which unemployment compensation benefits are computed for certain individuals receiving workers' compensation benefits.

S.S.B. 2160 Ways and Means

Providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities.

S.S.B. 2161 Judiciary

Relating to standard uniforms for certain law enforcement personnel and providing penalties.

S.S.B. 2162 Judiciary

Eliminating the provision that a discharge in bankruptcy does not relieve a judgment debtor from the requirement to furnish proof of financial responsibility.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2139	Ways and Means
S. F.	2140	Agriculture
S. F.	2141	Ways and Means
S. F.	2142	State Government
S. F.	2143	Natural Resources
S. F.	2144	Education
S. F.	2145	Natural Resources

**FURTHER
REPORTS OF COMMITTEE MEETINGS**

EDUCATION*

*A previous report of this meeting was recorded on page 296 of the Senate Journal.

Final Bill Action: SENATE FILE 2146 (SSB 2109), a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gratas, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

STATE GOVERNMENT*

*A previous report of this meeting was recorded on page 311 of the Senate Journal.

Final Bill Action: SENATE FILE 2147 (SSB 2139), a bill for an act requiring display of headlights on vehicles operating from one-half hour before sunset to one-half after sunrise and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Nystrom, Lura, Slater, Carr, Drake, Gallagher, Hutchins, C. Miller, Palmer and Schwengels. Nays, 2: Briles and Tieden. Absent or not voting, 2: Craft and Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2148 (SSB 2145), a bill for an act relating to the authority of the state vehicle dispatcher.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Lura, Slater, Briles, Carr, Gallagher, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 3: Craft, Drake and Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 8, 1982, 3:00 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: none.

Final Bill Action: SENATE FILE 2086, a bill for an act exempting individual farm owner accounts from examination by the Iowa real estate commission.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Holden, Baugher, Deluhery, Comito, Craft, Husak, Priebe and Rush. Nays, none. Absent or not voting, 2: DeKoster and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2097, a bill for an act allowing the certification of floor plans for a building as required under chapter 499B by a registered land surveyor.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Holden, Baugher, Craft, Husak, Jensen, Priebe and Rush. Nays, 3: Deluhery, Comito and DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2034, a bill for an act relating to state bank investment in bonds and notes issued by the Iowa family farm development authority.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; discussed SSB 2001 and SSB 2097.

Adjourned: 4:00 p.m.

EDUCATION

Convened: February 8, 1982, 1:35 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees; discussed Senate File 368—deferred action; Steve Norby, Attorney General's office and Dwight Carlson, D.P.I., led discussion on SSB 2063.

Adjourned: 2:30 p.m.

HUMAN RESOURCES

Convened: February 8, 1982, 3:05 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member; Carr, Coleman, Gratias, Hulse, A. Miller, Slater and Vande Hoef.

Members Absent: Drake and Nystrom.

Other Committee Business: Assigned Senate File 2127 to subcommittee.

Adjourned: 3:08 p.m.

JUDICIARY

Convened: February 3, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Small, Taylor and Deluhery (arrived 3:25 p.m.).

Members Absent: none.

Final Bill Action: SENATE FILE 2150 (SSB 2082), a bill for an act defining "adjusted gross estate" as used in wills and certain trusts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2152 (SSB 2080), a bill for an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: DeKoster, Kudart, Rush, Baugher, Carr, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 4: Coleman, Doyle, Deluhery and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:30 p.m.

STATE GOVERNMENT

Convened: February 8, 1982, 1:36 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Schwengels and Tieden.

Members Absent: Palmer.

Final Bill Action: HOUSE FILE 828, a bill for an act to redefine the duties of the state historical department, to provide for the appointment of an executive director and a state historical board, and to provide that the Act takes effect January 1, 1982.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5076.

Final Vote: Ayes, 12: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, Schwengels and Tieden. Nays, 1: C. Miller. Absent or not voting, 1: Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 106, a resolution providing that the head of each department and agency of state government is urged to direct its staff to correspond and write reports in a clear and coherent manner, using well-understood words of everyday meanings and that this resolution be published in the Iowa Administrative Bulletin.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; amended and approved House File 828; approved SSB 2111 as a committee bill.

Adjourned: 2:30 p.m.

WAYS AND MEANS

Convened: February 8, 1982, 11:18 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: none.

Other Committee Business: Discussed LSB B43S69 5.1.

Adjourned: 12:13 p.m.

AMENDMENTS FILED

S—5076	H.F.	828	State Government Committee
S—5077	S. F.	494	House Amendment
S—5078	S. F.	399	House Amendment
S—5079	H.F.	772	C.W. Bill Hutchins

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:10 p.m., until 9:00 a.m., Wednesday, February 10, 1982.

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 10, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Wayne Kamm, pastor of the United Methodist Church, Woodward, Iowa.

The Journal of Tuesday, February 9, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gerald McGowan, M.D., Sioux City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kinley for the day on request of Senator Junkins.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 8, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 322, a bill for an act prohibiting certain uses of licenses issued by the state conservation commission and providing a penalty.

ALSO: That the House has on February 8, 1982, passed (with amendment H-5071 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

House File 2227, a bill for an act relating to the rate of interest allowed upon a judgment in favor of a dissenting shareholder.

This bill was read first time and **passed on file**.

ALSO: That the House has on February 8, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2224, a bill for an act relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency.

This bill was read first time and **passed on file**.

House File 2240, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229.

This bill was read first time and **passed on file**.

House File 2248, a bill for an act relating to the hearing of small claims appeals and to the time for appearance in small claims actions.

This bill was read first time and **passed on file**.

House File 2249, a bill for an act relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated.

This bill was read first time and **passed on file**.

House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system.

This bill was read first time and **passed on file**.

House File 2333, a bill for an act relating to intestate shares when a decedent leaves a surviving spouse or a surviving spouse and issue.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 2153, by Committee on Ways and Means, a bill for an act relating to the state sales, services, and use taxes by exempting

from the taxes linotype, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions and making it retroactive.

Read first time and placed on Ways and Means Calendar.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:15 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

INTRODUCTION OF BILLS

Senate File 2154, by Committee on State Government, a bill for an act relating to increases in retirement benefits for certain public employees, including certain members already retired under the Iowa public employees' retirement system and employees under the peace officers' retirement system and local police and fire retirement systems, and providing an appropriation.

Read first time and placed on calendar.

Senate File 2155, by Committee on State Government, a bill for an act relating to the requirements for certification as an ophthalmic dispenser.

Read first time and placed on calendar.

Senate File 2156, by Committee on Judiciary, a bill for an act relating to the issuance of certificates of title by the clerk of the district court.

Read first time and placed on calendar.

Senate File 2157, by Committee on Transportation, a bill for an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit.

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

Senate File 2158, by Dreeszen, Vande Hoef, Taylor and Jensen, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

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

Senate File 2159, by Bisenius, a bill for an act requiring the director of the department of general services to charge rent to certain persons occupying space in public buildings including vendors and members of the press.

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

Senate File 2160, by Dreeszen, Hutchins, Carney, Craft, Anderson, Vande Hoef, Rodgers, Husak, Murray, Hester, Hulse, Wells, Waldstein, Baugher, Goodwin, Holden, Schwengels, Taylor, Comito, Bisenius, Brown, Miller of Cerro Gordo, Gallagher, Jensen, and Van Gilst, a bill for an act relating to fee revisions regarding the probate code.

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

HOUSE AMENDMENTS CONSIDERED

Senate Joint Resolution 6

Senator Lura called up for consideration Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution, amended by the House by House amendment S—5068 filed February 5, 1982.

President Branstad took the chair at 4:12 p.m.

Senator Lura asked and received unanimous consent that action on **Senate Joint Resolution 6** and House amendment S—5068 be temporarily **deferred**.

Senator Hultman asked and received unanimous consent to take up Senate File 494.

Senate File 494

Senator Doyle called up for consideration Senate File 494, a bill for an act relating to objections to the place of trial in a criminal action, amended by the House, and moved that the Senate concur in House amendment S—5077 filed February 9, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Doyle moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 494) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Miller, C.P.

Absent or not voting, 1:

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
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 788.

House File 788

On motion of Senator Gentleman, House File 788, a bill for an act excluding child day care providers and babysitters from the child foster care licensing requirements, requiring family and group day care providers who are foster care licensees to register under chapter 237A, and providing that foster children are considered children of the family or group day care provider, with report of committee recommending passage, was taken up for consideration.

The Chair ruled the following amendments out of order to amendment S—3554, which was declared to have been withdrawn on April 29, 1981:

Amendment S—3561 filed by Senator Briles on April 24, 1981.

Amendment S—3560 filed by Senator Hutchins on April 24, 1981.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 788) the vote was:

Ayes, 48:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Baughner

Kinley

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

BUSINESS PENDING

Senate Joint Resolution 6

The Senate resumed consideration of Senate Joint Resolution 6 and House amendment S—5068, previously deferred.

Senator Lura moved that the Senate concur in the House amendment, which motion prevailed by a voice vote.

Senator Lura moved that the resolution as amended by the House and concurred in by the Senate be read the last time now, which motion prevailed, and the resolution was read the last time.

Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article III, Legislative Department, Constitution of the State of Iowa, is amended by adding the following new section:

NEW SECTION. The general assembly may nullify an adopted administrative rule of a state agency by the passage of a resolution by a majority of all of the members of each house of the general assembly.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause it to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the resolution be adopted?" (S.J.R. 6) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 38:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Ramsey	Rodgers	Schwengels
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, 11:

DeKoster	Deluhery	Gentleman	Kudart
Murray	Palmer	Readinger	Rush
Slater	Small	Wells	

Absent or not voting, 1:

Kinley

The resolution having received a constitutional majority was declared to have been adopted by the Senate and the title was agreed to.

BILL REFERRED TO COMMITTEE

President Branstad announced that **Senate File 2154** was referred from the Regular Calendar to the committee on **Appropriations** under Senate Rule 37.

APPENDIX**STUDY BILLS RECEIVED****S.S.B. 2163 Judiciary**

Relating to the sentences of inmates committed to the custody of the Division of Adult Correction of the Department of Social Services.

S.S.B. 2164 Judiciary

Provides that the intentional use of a vehicle in a manner that threatens serious injury to a person who is in a building or another vehicle or an assembly of persons is terrorism. Terrorism is a class "D" felony.

S.S.B. 2165 Judiciary

To allow a husband or wife to testify or be compelled to testify against the other regarding events or conversations which did not occur during their marriage. This would eliminate the tactic of a defendant marrying a key prosecution witness in order to prevent testimony against the defendant.

S.S.B. 2166 Judiciary

To limit the "inter-spousal", or "marital", privileges and, in doing so, broadens the competency of spouses to testify against each other in two respects.

S.S.B. 2167 Judiciary

Broadens the definitions of "escape from custody" offenses to apply to those situations where persons have been arrested and are, thus, "in custody" but have not yet been convicted or charged, either by complaint or information.

S.S.B. 2168 Judiciary

Provide that defendants found guilty of any forcible felony (any felonious assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, and burglary in the first degree) shall not be bailable, either while awaiting judgment and sentencing or

while appealing the convictions. Presently, only those convicted of class "A" felonies (murder in the first degree, sexual abuse in the first degree, or kidnapping in the first degree) are precluded from release on bail.

S.S.B. 2169 Judiciary

Prohibit the imposition of a fine without a sentence of imprisonment for any forcible felony.

S.S.B. 2170 Judiciary

Provides procedures to ensure the same degree of confidentiality when an order for nontestimonial identification procedures is obtained pursuant to chapter 810, the Code, as applies when a county attorney's subpoena is issued for investigative purposes pursuant to Rule of Criminal Procedure 5 (6).

S.S.B. 2171 Judiciary

Provides that the making of a fraudulent claim for compensation, indemnification, restitution, or other payment — e.g. a casualty claim submitted to an insurance company — is punishable as a fraudulent practice whether or not the claim is submitted in writing or supported by an affidavit or certificate.

S.S.B. 2172 Judiciary

Provides that a violation of Section 708.1, 1981 Code may be proved as a lesser included offense under an indictment or information charging a sexual abuse.

S.S.B. 2173 Judiciary

Regulating the activities of loan brokers and providing penalties.

S.S.B. 2174 Judiciary

Repeals Section 217.22, 1981 Code, which creates a board to hold hearings and rule on prisoner objections to transfers to another state or to the federal bureau of prisons.

S.S.B. 2175 Judiciary

Provides a two-year statute of limitations for actions founded upon a violation of rights protected by the United States Constitution, Iowa Constitution, federal statute or state statute.

S.S.B. 2176 Judiciary

To provide that it is fraudulent practice to illegally acquire food stamps.

S.S.B. 2177 Judiciary

To prohibit bail following conviction of a forcible felony.

S.S.B. 2178 Education Appropriations Subcommittee

Relating to and making appropriations to agencies, institutions, departments, commission, and boards responsible for education programs of this state.

S.S.B. 2179 Education

To provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2149	State Government
S. F.	2151	State Government
H.F.	748	Judiciary
H.F.	2003	Judiciary
H.F.	2027	Natural Resources
H.F.	2334	Transportation

**FURTHER
REPORT OF COMMITTEE MEETING****STATE GOVERNMENT***

*A previous report of this meeting was recorded on page 349 of the Senate Journal.

Final Bill Action: SENATE FILE 2154 (SSB 2149), a bill for an act relating to increases in retirement benefits for certain public employees, including certain members already retired under the Iowa public employees' retirement system and local police and fire retirement systems, and providing an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Schwengels. Nays, 1: Tieden. Absent or not voting, 1: Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2155 (SSB 2111), a bill for an act relating to the requirements for certification as an ophthalmic dispenser.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT**

Convened: February 9, 1982, 10:10 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Taylor, Lura and Wells.

Members Absent: none.

Other Committee Business: Appropriation recommendation for Capitol renovation; language recommendation for Bureau of Labor.

Adjourned: 11:30 a.m.

CITIES

Convened: February 10, 1982, 3:03 p.m.

Members Present: Readinger, Chair; A. Miller, Ranking Member; Carney, Holden, Slater, Waldstein and Wells.

Members Absent: Comito, Vice Chair and Kinley (excused).

Final Bill Action: HOUSE FILE 764, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities, and taking effect upon publication.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Readinger, A. Miller, Carney, Slater, Waldstein and Wells. Nays, 1: Holden. Absent or not voting, 2: Kinley and Comito.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:13 p.m.

JUDICIARY

Convened: February 9, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: Doyle (excused) and Dreeszen.

Final Bill Action: SENATE FILE 2038, a bill for an act relating to setting aside a default judgment in small claims court.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5081.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Doyle and Dreeszen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2040, a bill for an act requiring warning notices to be included in urea-formaldehyde foam insulation contracts and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Doyle and Dreeszen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2156 (SSB 2081), a bill for an act relating to the issuance of certificates of title by the clerk of the district court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 3: Doyle, Murray and Dreeszen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:45 p.m.

NATURAL RESOURCES

Convened: February 10, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden, Gallagher and Hutchins.

Members Absent: Rodgers.

Final Bill Action: HOUSE FILE 738, a bill for an act relating to the permissive catch and size limits of fish.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5085.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Gallagher and Hutchins. Nays, 1: Tieden. Absent or not voting, 1: Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 107, a resolution relating to forming a compact with all the states of the Missouri River Basin concerning diversion of water.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5086.

Final Vote: Ayes, 8: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Gallagher, Hutchins and Tieden. Nays, none. Absent or not voting, 1: Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:40 a.m.

TRANSPORTATION

Convened: February 9, 1982, 1:40 p.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Bisenius, Comito, Hutchins, A. Miller and Murray.

Members Absent: Doyle and Nystrom.

Final Bill Action: SENATE FILE 26, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5080.

Final Vote: Ayes, 7: Drake, Jensen, Coleman, Comito, Hutchins, A. Miller and Murray. Nays, none. Absent or not voting, 3: Doyle, Nystrom and Bisenius.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2157 (SSB 2137), a bill for an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Drake, Jensen, Coleman, Comito, Bisenius, Hutchins, A. Miller and Murray. Nays, none. Absent or not voting, 2: Doyle and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed House File 2334 and Senate File 2106.

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: February 9, 1982, 1:35 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Hultman, Husak, Junkins, Lura, Palmer, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Holden and Priebe (both excused).

Final Bill Action: SENATE FILE 2024, a bill for an act exempting certain transfers of deeds between a family farm partnership and its partners from the real estate transfer tax.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Hester, Husak, Lura, Palmer, Ramsey, Rush, Taylor and Van Gilst. Nays, none. Absent or not voting, 4: Holden, Priebe, Junkins and Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2153 (SSB 2025), a bill for an act relating to the state sales, services, and use taxes by exempting from the taxes linotype, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions and making it retroactive.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Hester, Husak, Lura, Palmer, Ramsey, Rush, Taylor and Van Gilst. Nays, none. Absent or not voting, 4: Holden, Hultman, Junkins and Priebe.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 855, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Hester, Husak, Lura, Palmer, Ramsey, Taylor and Van Gilst. Nays, 1: Rush. Absent or not voting, 4: Holden, Hultman, Junkins and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:20 p.m.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Joe Wilson, former

member of the Senate from Appanoose County, who was present in the Senate chamber.

President Branstad welcomed the Honorable Leonard Andersen, former member of the Senate from Woodbury County, who was present in the Senate chamber.

AMENDMENTS FILED

S—5080	S. F.	26	Transportation Committee
S—5081	S. F.	2038	Judiciary Committee
S—5082	S. F.	2134	Arthur L. Gratias
S—5083	H.F.	303	Julia Gentleman Sue Yenger Charles P. Miller Bob Carr C. Joseph Coleman Richard F. Drake Arthur L. Gratias Merlin D. Hulse Alvin V. Miller John N. Nystrom Tom Slater Richard Vande Hoef
S—5084	S. F.	399	Julia Gentleman
S—5085	H.F.	738	Natural Resources
S—5086	H.C.R.	107	Natural Resources
S—5087	H.F.	829	Dick Ramsey
S—5088	H.F.	764	Edgar H. Holden
S—5090	H.F.	772	Forrest V. Schwengels

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:35 p.m., until 9:00 a.m., Thursday, February 11, 1982.

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 11, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Orland Wilhite, pastor of the Grandview Park Baptist Church, Des Moines, Iowa.

The Journal of Wednesday, February 10, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M.G. Parks, M.D., Centerville, Iowa.

INTRODUCTION OF BILLS

Senate File 2161, by Gallagher, a bill for an act relating to the effect of mining on spoil banks and ground and surface water supplies.

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

Senate File 2162, by Vande Hoef, Tieden, Dreeszen, Taylor, Miller of Cerro Gordo, Gallagher and Priebe, a bill for an act to prohibit the shooting of a shotgun with rifled slugs over public waters or public highways of the state or railroad rights-of-way.

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

WITHDRAWN

Senator Coleman asked and received unanimous consent that **Senate Joint Resolution 1** be withdrawn from further consideration of the Senate.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 10, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, imposing a minimum tax, reducing the deduction for federal taxes from state corporate taxable income, amending certain inheritance tax provisions, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication.

This bill was read first time and referred to the committee on **Ways and Means**.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:20 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2163, by Committee on Judiciary, a bill for an act relating to the performance of unpaid community service by defendants convicted of crimes.

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

Senate File 2164, by Priebe, a bill for an act prohibiting the manufacture, advertisement for sale, possession, and delivery of noncontrolled substances which are or may be represented to be controlled substances with penalties.

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

Senate File 2165, by Committee on Commerce, a bill for an act to authorize educational agencies to purchase custodial accounts for their employees.

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

Senate File 2166, by Committee on Natural Resources, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences.

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

Senate File 2167, by Committee on Natural Resources, a bill for an act to update references to the federal Water Pollution Control Act in chapter 455B.

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

Senate File 2168, by Committee on Commerce, a bill for an act providing for the definition of the term "small business" wherever the term is used in the Code unless a different definition is specifically provided.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Wells and Small for the remainder of the day on request of Senator Junkins.

HOUSE AMENDMENT CONSIDERED

Senate File 399

Senator Van Gilst called up for consideration Senate File 399, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violation of boating laws, amended by the House by House amendment S—5078 filed February 9, 1982.

Senator Gentleman offered amendment S—5084 filed by her on February 10, 1982, to page 2 of House amendment S—5078 and moved its adoption.

Amendment S—5084 was adopted by a voice vote.

Senator Van Gilst moved that the Senate concur in House amendment S—5078 as amended, which motion prevailed by a voice vote.

Senator Van Gilst 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 399) the vote was:

Ayes, 38:

Anderson	Baugher	Bisenius	Brown
Carney	Coleman	Comito	DeKoster
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Kinley	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, 8:

Carr	Deluhery	Gentleman	Junkins
Kudart	Lura	Priebe	Rush

Absent or not voting, 4:

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

UNFINISHED BUSINESS
(Deferred February 5, 1982)

House File 829

The Senate resumed consideration of House File 829, a bill for an act relating to the investigations, communications and reports of the citizens' aide office, deferred on February 5, 1982.

Senator Ramsey offered amendment S—5087 filed by him on February 10, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5087 was adopted by a voice vote.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 829) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Small Wells

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 2132.

Senate File 2132

On motion of Senator Taylor, Senate File 2132, a bill for an act to make the preparation of a code of ethics by the committee on ethics of each house of the general assembly a duty only during the first session of each general assembly, was taken up for consideration.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2132) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

Small Wells

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 2130.

Senate File 2130

On motion of Senator Murray, Senate File 2130, a bill for an act relating to the notice and hearing requirements applicable to

proceedings for the commitment of persons receiving treatment as outpatients under chapter 229, was taken up consideration.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2130) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 3:

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

APPENDIX

COMMUNICATION

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

UNIVERSITY OF IOWA
COLLEGE OF MEDICINE ADMINISTRATION

A copy of the Ninth Annual Report of the Statewide Family Practice Training Program prepared by the College of Medicine Administration of the University of Iowa and the Family Practice Education Advisory Board pursuant to Sec. 148D.5, Code 1981.

STUDY BILLS RECEIVED

S.S.B. 2180 State Government

To reorganize the office for planning and programming by establishing a governor's youth corps program, transferring the appointing authority for the state building code from the division of municipal affairs of the office for planning and programming to the commissioner of public safety, and repealing the rural community development Act.

S.S.B. 2181 Commerce

Relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2158	Judiciary
S. F.	2159	State Government
S. F.	2160	Judiciary
H.F.	2224	County Government
H.F.	2227	Commerce
H.F.	2333	Judiciary

H.F.	2240	Judiciary
H.F.	2248	Judiciary
H.F.	2249	Transportation
H.F.	2250	Transportation

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 11, 1982, the Governor approved and transmitted to the Secretary of the State the following bill:

S.F. 294—Relating to taxidermy and subjecting violators to a penalty.

FURTHER REPORTS OF COMMITTEE MEETINGS

JUDICIARY*

*A previous report of this meeting was recorded on pages 363-364 of the Senate Journal.

Convened: February 9, 1982, 3:00 p.m.

Final Bill Action: SENATE FILE 2163 (SSB 2127), a bill for an act relating to the performance of unpaid community service by defendants convicted of crimes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Carr, Baugher, Coleman, Deluhery, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Dreeszen and Doyle.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

NATURAL RESOURCES*

*A previous report of this meeting was recorded on page 364 of the Senate Journal.

Final Bill Action: SENATE FILE 2166 (SSB 2113), a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden, Gallagher and Hutchins. Nays, none. Absent or not voting, 1: Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2167 (SSB 2136), a bill for an act to update references to the federal Water Pollution Control Act in chapter 455B.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden, Gallagher and Hutchins. Nays, none. Absent or not voting, 1: Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 10, 1982, 10:15 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen, Hutchins and Nystrom.

Members Absent: none.

Other Committee Business: Subcommittee approved and submitted FY 83 supplemental appropriations recommendations to the full Appropriations Committee; reports on maternal and child health and Blind Commission as requested by members.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 10, 1982, 10:25 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger, Kudart and A. Miller.

Members Absent: none.

Other Committee Business: Discussion of PKU program and 82 supplemental and homemaker health services.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 10, 1982, 10:00 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Goodwin, Gallagher and Hester.

Members Absent: none.

Other Committee Business: Subcommittee approved and submitted bill, as amended, providing supplemental appropriations for the Missouri river coordinator and river basin associations; held hearing on supplemental budget requests from Iowa State Water Resources Research Institute.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATORY AND FINANCE

Convened: February 10, 1982, 10:15 a.m.

Members Present: Jensen, Chair; Rush, Ranking Member; Gratias, Hulse and C. Miller.

Members Absent: none.

Other Committee Business: Colleen Shearer, Director and Jim Hunsaker, Legislative Liaison of Job Service Department, appeared before the subcommittee.

Adjourned: 10:56 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 10, 1982, 10:15 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown and Vande Hoef.

Members Absent: Craft (excused).

Other Committee Business: Gary Gesaman, General Administration, DSS, gave presentation on Iowa long term care study; Sandy Scott, Director of Community Services, DSS, assisted by Ron Stehl, Children's Services, DSS, gave wrap-up on Title XIX, presentation on foster care '83 and community-based services; Jim Hennessey, General Administration, DSS, reviewed child abuse.

Adjourned: 11:45 a.m.

COMMERCE

Convened: February 10, 1982, 1:30 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: none.

Final Bill Action: SENATE FILE 2165 (SSB 2001), a bill for an act to authorize educational agencies to purchase custodial accounts for their employees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2168 (SSB 2051), a bill for an act providing for the definition of the term "small business" wherever the term is used in the Code unless a different definition is specifically provided.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Holden, Baugher, Comito, Craft, Husak and Jensen. Nays, 4: Deluhery, DeKoster, Priebe and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; SSB 2007 ordered redrafted as a committee bill.

Adjourned: 2:55 p.m.

COUNTY GOVERNMENT

Convened: February 9, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Vande Hoef and Yenger.

Members Absent: Priebe (excused).

Other Committee Business: Assigned bill to subcommittee; discussed amendment S-5059 to Senate File 2098—no final action taken.

Adjourned: 3:55 p.m.

ENERGY

Convened: February 10, 1982, 1:37 p.m.

Members Present: Ramsey, Chair; Bisenius, Vice Chair (arrived 1:50 p.m.); Gallagher, Ranking Member; Anderson, Doyle, Kudart, Readinger, Rodgers and Yenger (arrived 1:56 p.m.).

Members Absent: Briles.

Other Committee Business: Robert Tyson, Director of Energy Policy, reviewed and discussed legislative recommendations of the Energy Policy Council; David C. Hampton, Public Affairs Manager in Illinois and Iowa for the Container Corporation of America, discussed the advantages of recycling cardboard boxes.

Adjourned: 2:40 p.m.

WAYS AND MEANS

Convened: February 11, 1982, 1:40 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Husak, Junkins, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Hultman (excused), Lura and Palmer.

Final Bill Action: SENATE FILE 2088, a bill for an act to authorize a property tax levy by school districts for a cash reserve.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5092.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Hester, Husak, Junkins, Ramsey, Rush, Taylor and Van Gilst. Nays, 2: Holden and Priebe. Absent or not voting, 3: Hultman, Lura and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:20 p.m.

PRESENTATION OF VISITOR

President Branstad welcomed the Honorable James Redmond, former member of the Senate from Linn County, who was present in the Senate chamber.

AMENDMENTS FILED

S—5091	H.F.	303	Arthur A. Small, Jr.
S—5092	S. F.	2088	Ways and Means Committee
S—5094	S. F.	446	Richard Comito A.R. Bud Kudart
S—5095	S. F.	2118	Education Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:45 p.m., until 9:00 a.m., Friday, February 12, 1982.

JOURNAL OF THE SENATE

THIRTY-THIRD CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 12, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Bernard Nelson, pastor of the Christ Lutheran Church, Des Moines, Iowa.

The Journal of Thursday, February 11, 1982, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Nystrom for the day on request of Senator Hultman.

INTRODUCTION OF BILL

Senate File 2169, by Junkins, a bill for an act relating to eligibility for the exemption from property tax of property of certain veterans of military service.

Read first time and passed on file.

UNFINISHED BUSINESS (Deferred February 8, 1982)

House File 772

The Senate resumed consideration of House File 772, a bill for an act establishing a hunter safety and ethics education program and subjecting violators to a penalty, to be effective July 1, 1983, and amendment S—3511 by Senator Schwengels to page 1 of the bill, deferred on February 8, 1982.

Senator Schwengels offered amendment S—5090 filed by him on February 10, 1982, to amendment S—3511.

Senator Comito asked and received unanimous consent that further action on **House File 772**, amendment S—3511 and amendment S—5090 to amendment S—3511 be temporarily deferred.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 2024

On motion of Senator Vande Hoef, Senate File 2024, a bill for an act exempting certain transfers of deeds between a family farm partnership and its partners from the real estate transfer tax, with report of committee recommending passage, was taken up for consideration.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2024) the vote was:

Ayes, 42:

Anderson	Bisenius	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Doyle	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 3:

Brown	Gallagher	Kudart
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Absent or not voting, 5:

Baughner	Briles	Drake	Lura
Nystrom			

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 2134.

Senate File 2134

On motion of Senator Jensen, Senate File 2134, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways including combinations of vehicles coupled together used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis and boats if the overall length of the combination of vehicles does not exceed sixty-five feet and semitrailers with a distance of not more than forty feet between the kingpin and the rearmost axle, was taken up for consideration.

Senator Gratias offered amendment S—5071 filed by Senators Gratias, Hutchins and Drake on February 8, 1982, to page 1 and the title page of the bill.

Senator Miller of Des Moines raised the point of order that amendment S—5071 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5071 out of order.

The Chair ruled amendment S—5082 filed by Senator Gratias on February 10, 1982, to amendment S—5071, out of order.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2134) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins

Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 6:

DeKoster	Gentleman	Kudart	Rush
Slater	Small		

Absent or not voting, 2:

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

Senator Hultman asked and received unanimous consent to take up out of order House File 2034.

House File 2034

On motion of Senator Comito, House File 2034, a bill for an act relating to state bank investment in bonds and notes issued by the Iowa family farm development authority, with report of committee recommending passage, was taken up for consideration.

Senator Comito moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2034) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Small	Taylor	Tieden	Van Gilst
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Nystrom

Slater

Vande Hoef

Waldstein

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

BUSINESS PENDING

House File 772

The Senate resumed consideration of House File 772, amendment S—3511 and amendment S—5090 to amendment S—3511, previously deferred.

President pro tempore Ramsey took the chair at 10:25 a.m.

Senator Schwengels moved the adoption of amendment S—5090 to amendment S—3511.

A non record roll call was requested.

The ayes were 30, nays 17.

Amendment S—5090 was adopted.

With the adoption of amendment S—5090 to amendment S—3511, the Chair ruled amendment S—5079 filed by Senator Hutchins on February 9, 1982, to amendment S—3511, out of order.

Senator Schwengels moved the adoption of amendment S—3511 as amended, which motion prevailed by a voice vote.

Senator Comito offered amendment S—5096 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5096 was adopted by a voice vote.

President Branstad took the chair at 10:50 a.m.

Senator Junkins asked and received unanimous consent that further action on **House File 772** be deferred.

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 108

By: Brown and Husak

- 1 *Whereas*, Charles "Charlie" Selzer, principal of
2 Amana High School since 1935 and superintendent
3 since 1950, is resigning his superintendent's position
4 to make available funds that would ordinarily be used
5 to pay the superintendent's position in order to supple-
6 ment the salaries of other teachers and employees; and
7 *Whereas*, Charles Selzer is known as an outstanding
8 administrator and a "pal" to the students and will be
9 recognized as the "superintendent emeritus" by the
10 school board; and
11 *Whereas*, Charles Selzer, known for awarding
12 "Charlie Dollars" (signed one dollar bills) to students
13 and citizens who deserve them, will continue to keep his
14 office at the school to be near the children and the
15 school he loves; and
16 *Whereas*, the outstanding contributions of Charles
17 Selzer to the education system, his community, and
18 especially the thousands of students with whom he has
19 been acquainted throughout the years is deserving of
20 recognition; *Now Therefore*,
21 *Be It Resolved by the Senate*, That Charles Selzer
22 be recognized by the Senate for his outstanding
23 achievements and contributions during his many years
24 of tenure; and
25 *Be It Further Resolved*, That a copy of this resolu-
26 tion be forwarded to Charles Selzer.

Read first time and passed on file.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2082

Agriculture
Taylor, Chair
Dreeszen
Van Gilst

SENATE FILE 2104

Transportation
Doyle, Chair
Comito
Bisenius

SENATE FILE 2106

Transportation
Comito, Chair
Murray
Coleman

SENATE FILE 2111

Education
Anderson, Chair
Carney
Gratias

SENATE FILE 2113

Judiciary
Small, Chair
Murray
Deluhery

SENATE FILE 2116

Way and Means
Readinger, Chair
Craft
Rush

SENATE FILE 2118

Education
Carney, Chair
Brown
Small

SENATE FILE 2096

Education
DeKoster, Chair
Wells
Dreeszen

SENATE FILE 2105

Ways and Means
Craft, Chair
Hester
Van Gilst
Priebe
Lura

SENATE FILE 2108

Ways and Means
Craft, Chair
Readinger
Rodgers

SENATE FILE 2112

Education
Brown, Chair
Jensen
Dreeszen

SENATE FILE 2115

Ways and Means
Van Gilst, Chair
Readinger
Holden

SENATE FILE 2117

Commerce
Holden, Chair
Comito
Husak

SENATE FILE 2119

Ways and Means
Taylor, Chair
Holden
Junkins

SENATE FILE 2120

Education
Wells, Chair
Taylor
Dreeszen

SENATE FILE 2122

State Government
Nystrom, Chair
Schwengels
Slater

SENATE FILE 2124

Ways and Means
Taylor, Chair
Holden
Junkins

SENATE FILE 2127

Human Resources
Vande Hoef, Chair
Slater
Hulse

SENATE FILE 2129

Ways and Means
Taylor, Chair
Husak
Readinger

SENATE FILE 2133

Judiciary
Rush, Chair
Kudart
Doyle

SENATE FILE 2137

Commerce
Holden, Chair
Comito
Husak

SENATE FILE 2142

State Government
Carr, Chair
Briles
Craft

SENATE FILE 2121

Labor and Industrial Relations
Gratias, Chair
Hultman
Anderson

SENATE FILE 2123

Commerce
Craft, Chair
Holden
Priebe

SENATE FILE 2125

Education
Jensen, Chair
Anderson
Gratias

SENATE FILE 2128

State Government
Nystrom, Chair
Schwengels
Slater

SENATE FILE 2131

State Government
Carr, Chair
Gentleman
Craft

SENATE FILE 2136

Natural Resources
Tieden, Chair
Schwengels
Van Gilst
Goodwin
Hutchins

SENATE FILE 2138

Ways and Means
Taylor, Chair
Priebe
Holden
Palmer
Readinger

SENATE FILE 2149

State Government
Gentleman, Chair
Schwengels
Gallagher

SENATE FILE 2151

State Government
Schwengels, Chair
Nystrom
Gallagher

HOUSE FILE 2090

Education
Jensen, Chair
Small
Taylor

HOUSE FILE 2334

Transportation
Drake, Chair
Comito
Hutchins

**HOUSE CONCURRENT
RESOLUTION 107**

Natural Resources
Schwengels, Chair
Gentleman
Gallagher

SSB 2141

Education
Dreeszen, Chair
Wells
Taylor

SSB 2147

Education
Anderson, Chair
Taylor
Jensen

SSB 2152

Education
Carney, Chair
Gratias
Brown

SSB 2154

State Government
Schwengels, Chair
Drake
Hutchins

SENATE RESOLUTION 104

Rules and Administration
Ramsey, Chair
Junkins
Hulse

HOUSE FILE 2147

Education
DeKoster, Chair
Wells
Jensen

**HOUSE CONCURRENT
RESOLUTION 106**

State Government
Briles, Chair
Gallagher
Lura

SSB 2089

Transportation
Jensen, Chair
Comito
Hutchins

SSB 2142

Education
Carney, Chair
Brown
Gratias

SSB 2151

State Government
Drake, Chair
Hutchins
Briles

SSB 2153

State Government
Nystrom, Chair
Schwengels
Slater

SSB 2155

Labor and Industrial Relations
Carney, Chair
Hulse
Wells

SSB 2156

Judiciary
Carr, Chair
Lura
Doyle

SSB 2158

Natural Resources
Schwengels, Chair
Van Gilst
Hutchins

SSB 2160

Ways and Means
Lura, Chair
Holden
Rodgers

SSB 2162

Judiciary
Rush, Chair
Carr
Taylor

SSB 2164

Judiciary
Coleman, Chair
Ramsey
Doyle

SSB 2166

Judiciary
Ramsey, Chair
Small
Rush

SSB 2168

Judiciary
Rush, Chair
Taylor
Deluhery

SSB 2170

Judiciary
Coleman, Chair
Ramsey
Taylor

SSB 2157

Commerce
Holden, Chair
Baugher
Rush

SSB 2159

Labor and Industrial Relations
Hultman, Chair
Hulse
Kinley

SSB 2161

Judiciary
Coleman, Chair
Lura
Carr

SSB 2163

Judiciary
Baugher, Chair
Rush
Deluhery

SSB 2165

Judiciary
Ramsey, Chair
Small
Rush

SSB 2167

Judiciary
Kudart, Chair
Coleman
Rush

SSB 2169

Judiciary
Kudart, Chair
Small
Baugher

SSB 2171

Judiciary
Ramsey, Chair
DeKoster
Rush
Doyle
Murray

SSB 2172

Judiciary
Murray, Chair
Carr
Lura

SSB 2174

Judiciary
Kudart, Chair
Coleman
Lura

SSB 2176

Judiciary
Ramsey, Chair
DeKoster
Rush
Murray
Doyle

SSB 2180

State Government
Gallagher, Chair
Briles
Drake

SSB 2173

Judiciary
Ramsey, Chair
Rush
Kudart

SSB 2175

Judiciary
Small, Chair
Coleman
Taylor

SSB 2177

Judiciary
Rush, Chair
Kudart
Small

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 11, 1982, 9:45 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen, Hutchins and Nystrom.

Members Absent: none.

Other Committee Business: Discussed student loans and possible resolutions; referred proposed concurrent resolution on Regents bonding to full Appropriations Committee.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: February 11, 1982, 10:00 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger, A. Miller and Kudart.

Members Absent: none.

Other Committee Business: Discussion of PKU program and budget recommendations; approved appropriations subcommittee bills.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: February 11, 1982, 9:15 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher (arrived 9:55 a.m.), Goodwin and Hester.

Other Committee Business: Finalized supplemental funding for support of a Missouri river coordinator and the river basin associations; directed LSB to draft a bill in correct language continuing a provision enacted in 1979 crediting the interest and earnings of the state fish and game protection fund to that fund and including publication clause.

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: February 11, 1982, 9:45 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Approved transfer of the homemaker chore program from the Department of Social Services to the Department of Health; Nancy Norman, Bureau Chief of Finance, DSS, reviewed handouts of federal funds lost and federal funds anticipated by the department; Sandy Scott, Director of Community Programs, DSS, gave presentation on home-based services and block grant-county related '83; Ron Stehl, Children's Services, DSS, reviewed subsidized adoptions.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: February 11, 1982, 9:40 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Taylor and Wells.

Members Absent: Lura (excused).

Other Committee Business: Budget presentation by State Libraries; approved appropriations recommendations for LEAG.

Adjourned: 11:15 a.m.

EDUCATION

Convened: February 11, 1982, 3:02 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells.

Members Absent: Small.

Final Bill Action: SENATE FILE 2067, a bill for an act relating to transfers of funds by area schools.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2118, a bill for an act allowing spouses of school board members to receive up to two thousand dollars compensation in a fiscal year from the school board.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5095.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2120, a bill for an act relating to the amount of land owned by a merged area.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: SSB 2152 approved as a committee bill; discussed the subject matter of children making up school days lost because of snow.

Adjourned: 3:40 p.m.

STATE GOVERNMENT

Convened: February 11, 1982, 3:07 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Carr, Craft (arrived 3:15 p.m.), Drake (arrived 3:20 p.m.), Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees; approved SSB 2151 as a committee bill; amended and approved SSB 2132 and SSB 2058 as committee bills.

Adjourned: 4:00 p.m.

STUDY BILLS RECEIVED

S.S.B. 2182 Ways and Means

One dollar checkoff for State Capitol restoration.

S.S.B. 2183 Natural Resources

Relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

S.S.B. 2184 State Government

To provide full retirement benefits under the Iowa public employees' retirement system for peace officers at age fifty-five after twenty-five years of service.

S.S.B. 2185 Transportation

Relating to various requirements of the department of transportation and county officials with regard to secondary and farm to market highways.

S.S.B. 2186 Transportation

Relating to weight restrictions of vehicles upon bridges and culverts.

S.S.B. 2187 Transportation

Relating to the removal of trees, brush and undergrowth within the highway right of way.

S.S.B. 2188 County Government

Relating to cancellation of outstanding checks and warrants.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2161	Natural Resources
S. F.	2162	Natural Resources
S. F.	2164	Judiciary
H.F.	2171	Ways and Means

PRESENTATION OF VISITORS

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

Thirty-eight students from Callanan Junior High School, Des Moines, Iowa, accompanied by Mr. Pereto. Senator Gentleman.

AMENDMENTS FILED

S—5096	H.F.	772	Richard Comito
S—5097	H.F.	772	Arne Waldstein

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:12 a.m., until 10:00 a.m., Monday, February 15, 1982.

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 15, 1982

The Senate met in regular session at 10:25 a.m., President Branstad presiding.

Prayer was offered by the Reverend Melvin Reth, pastor of the United Methodist Churches, Modale and Missouri Valley, Iowa.

The Journal of Friday, February 12, 1982, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Jensen for the morning session and Senator Holden for the day on request of Senator Hultman; Senator Rodgers for the week and Senator Miller of Cerro Gordo for today and February 16, 1982, on request of Senator Junkins.

UNFINISHED BUSINESS (Deferred February 8, 1982)

Senate File 446

The Senate resumed consideration of Senate File 446, a bill for an act establishing a precious metal dealer's license and providing a penalty, deferred February 8, 1982.

Senator Comito offered amendment S—5094 filed by Senators Comito and Kudart on February 11, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5094 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that further action on **Senate File 446** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2086.

Senate File 2086

On motion of Senator Waldstein, Senate File 2086, a bill for an act exempting individual farm owner accounts from examination by the Iowa real estate commission, with report of committee recommending passage, was taken up for consideration.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2086) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Husak	Hutchins
Junkins	Kinley	Kudart	Lura
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Holden	Jensen	Miller, A.V.	Rodgers
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

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

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2170, by Anderson, a bill for an act to prevent the collection of a claim for damages or injury on the domestic animal fund if the claimant is covered for the damage or injury by insurance.

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

APPENDIX

COMMUNICATIONS

The following communications have been received in the office of the Lieutenant Governor:

DEPARTMENT OF HEALTH

A copy of the 1982 State Radiation Safety Program Plan prepared by the Department of Health's Interagency Coordinating Council for Radiation Safety, pursuant to Sec. 136B.4, Code 1981.

OFFICE OF THE CITIZENS' AIDE

A statement of the activities of the Citizens' Aide/Ombudsman for the calendar year 1981, pursuant to Sec. 601G.18, Code 1981.

STUDY BILLS RECEIVED

S.S.B. 2189 Human Resources

Relating to the establishment and operation of group day care homes.

S.S.B. 2190 Education

Relating to the seniority of persons who have served as school administrators to provide that the Act takes effect upon its publication.

S.S.B. 2191 Judiciary

Amend Section 633.82, 1981 Code, designation of attorney.

S.S.B. 2192 Judiciary

Relating to the dissemination of criminal history and intelligence data by the department of public safety.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2169	Ways and Means
S. R.	108	Rules and Administration

**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:

Gilley, Floyd A., Maynard

Rolf V. Craft, Chair
James V. Gallagher
Dale L. Tieden

DALE L. TIEDEN, Chair
C.W. BILL HUTCHINS
MICK LURA
BASS VAN GILST

REPORT OF COMMITTEE MEETING

EDUCATION

Convened: February 15, 1982, 1:30 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster (arrived 1:45 p.m.), Dreeszen, Taylor and Wells.

Members Absent: Jensen (excused) and Small.

Final Bill Action: SENATE FILE 430, a bill for an act relating to the minimum age for school attendance.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Carney, Brown, Anderson, DeKoster, Dreeszen, Taylor and Wells. Nays, 1: Gratias. Absent or not voting, 2: Jensen and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Taylor and Wells. Nays, none. Absent or not voting, 2: Jensen and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bill to subcommittee; SSB 2179 approved and ordered redrafted as a committee bill; discussed Senate File 2112.

Adjourned: 2:23 p.m.

PETITIONS

The following petitions were presented and placed on file by:

Senator Tieden from eighty-two residents of Clayton County opposing legislation providing a three percent sales tax on cable television.

Senator Hester from one hundred sixty-six residents of Pottawattamie County favoring legislation permitting border cities and counties to regulate beer and liquor control licensed establishments in certain respects.

AMENDMENTS FILED

S—5098	S. F.	446	Richard Comito
S—5099	S. F.	446	Richard Comito
S—5100	S. F.	2147	Arne Waldstein

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 1:12 p.m., until 9:00 a.m., Tuesday, February 16, 1982.

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 16, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend James Carpenter, pastor of the St. Olaf's Lutheran Church, Bode, Iowa.

The Journal of Monday, February 15, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, M.D., Corydon, Iowa.

INTRODUCTION OF BILLS

Senate File 2171, by Priebe, a bill for an act to require that certain motorbuses be equipped with emergency communications equipment.

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

Senate File 2172, by Committee on Commerce, a bill for an act relating to the electronic transfer of funds.

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

Senate File 2173, by Holden, a bill for an act to delete salary and benefit increases for public officials and employees for the fiscal year beginning July 1, 1982, reducing mileage reimbursement rates for public officers and employees, making coordinating amendments to the Code, and reducing appropriated funds.

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.

RECESS

On motion of Senator Nystrom, the Senate recessed at 9:50 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2174, by Committee on State Government, a bill for an act relating to establishing a state employee suggestion system.

Read first time and placed on calendar.

Senate File 2175, by Committee on State Government, a bill for an act revising the Iowa code of military justice including providing penalties.

Read first time and placed on calendar.

Senate File 2176, by Committee on Human Resources, a bill for an act relating to the establishment and operation of group day care homes.

Read first time and placed on calendar.

Senate File 2177, by Committee on Education, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties.

Read first time and referred to the committee on State Government under Senate Rule 37.

Senate File 2178, by Committee on State Government, a bill for an act relating to the administration and benefits of public retirement systems.

Read first time and placed on calendar.

Senate File 2179, by Husak, a bill for an act relating to games of skill, chance, and raffles.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

APPENDIX**BILL ASSIGNED TO COMMITTEE**

President Branstad announced the assignment of the following bill to committee:

S. F. 2170 County Government

COMMUNICATION

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

DEPARTMENT OF TRANSPORTATION

A copy of the Annual Report of Highway Research and Development in Iowa for the period July 1, 1980 to July 1, 1981 prepared by the Department of Transportation, pursuant to Sec. 310.36, Code 1981.

Copies are available to members of the Senate upon request.

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 16th day of February, 1982.

Senate File 322.

K. MARIE THAYER
Secretary of the Senate

STUDY BILLS RECEIVED

S.S.B. 2193 Natural Resources

Authorizing the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication.

S.S.B. 2194 State Government

Relating to the Iowa housing finance authority, effective upon publication.

S.S.B. 2195 State Government

Relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E.

S.S.B. 2196 State Government

To provide uniform bidding procedures for public improvements with an estimated cost exceeding twenty-five thousand dollars for the state and its political subdivisions.

S.S.B. 2197 County Government

To allow a county board of supervisors to merge benefited water districts into a single district.

**FURTHER
REPORTS OF COMMITTEE MEETINGS**

COMMERCE*

*A previous report of this meeting was recorded on page 379 of the Senate Journal.

Final Bill Action: SENATE FILE 2172 (SSB 2007), a bill for an act relating to the electronic transfer of funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Baugher, Deluhery, Comito, Craft, DeKoster, Husak and Jensen. Nays, none. Absent or not voting, 3: Holden, Priebe and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

EDUCATION*

*A previous report of this meeting was recorded on page 395 of the Senate Journal.

Final Bill Action: SENATE FILE 2177 (SSB 2152), a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gratiyas, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

STATE GOVERNMENT*

*A previous report of this meeting was recorded on page 395 of the Senate Journal.

Final Bill Action: SENATE FILE 2174 (SSB 2058), a bill for an act relating to establishing a state employee suggestion system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Briles, Carr, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2175 (SSB 2151), a bill for an act revising the Iowa Code of military justice including providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Briles, Carr, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2178 (SSB 2132), a bill for an act relating to the administration and benefits of public retirement systems.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Nystrom, Lura, Slater, Briles, Carr, Drake, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, 1: Gallagher. Absent or not voting, 1: Craft.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 15, 1982, 3:00 p.m.

Members Present: Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen and Rush.

Members Absent: Holden, Chair and Priebe (excused).

Other Committee Business: Assigned bills to subcommittees; discussed SSB 2006.

Adjourned: 3:30 p.m.

HUMAN RESOURCES

Convened: February 15, 1982, 3:06 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member; Carr, Drake (arrived 3:08 p.m.), Gratias, Hulse, Nystrom and Vande Hoef.

Members Absent: Coleman, Slater and A. Miller (excused).

Final Bill Action: SENATE FILE 2176 (SSB 2189), a bill for an act relating to the establishment and operation of group day care homes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Gentleman, Yenger, Carr, Drake, Hulse, Nystrom and Vande Hoef. Nays, 2: C. Miller and Gratias. Absent or not voting, 3: Coleman, A. Miller and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:30 p.m.

TRANSPORTATION

Convened: February 16, 1982, 1:40 p.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Comito (arrived 1:55 p.m.), Doyle, Hutchins, Murray (arrived 2:00 p.m.) and Nystrom.

Members Absent: Bisenius and A. Miller (excused).

Final Bill Action: HOUSE FILE 2249, a bill for an act relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Drake, Jensen, Coleman, Comito, Doyle, Hutchins, Murray and Nystrom. Nays, none. Absent or not voting, 2: A. Miller and Bisenius.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5102.

Final Vote: Ayes, 8: Drake, Jensen, Coleman, Comito, Doyle, Hutchins, Nystrom and Murray. Nays, none. Absent or not voting, 2: Bisenius and A. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Drake, Jensen, Coleman, Doyle, Hutchins and Nystrom. Nays, none. Absent or not voting, 4: Bisenius, Comito, Murray and A. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved SSB 2067 as a committee bill.

Adjourned: 2:20 p.m.

PRESENTATION OF VISITOR

President Branstad welcomed Anne Marie Horneman, exchange student from Denmark, who was present in the Senate chamber as the guest of Senator Priebe and Reverend James Carpenter, pastor for the day.

AMENDMENTS FILED

S—5101	S. F.	2157	Arthur L. Gratias
S—5102	H.F.	2250	Transportation Committee
S—5103	S. F.	2088	Edgar H. Holden
S—5104	S. F.	2088	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:12 p.m., until 9:00 a.m., Wednesday, February 17, 1982.

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 17, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Charles Hunt, Administration Director of Three Crosses Boy's Ranch, Strawberry Point, Iowa.

The Journal of Tuesday, February 16, 1982, was approved

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dreeszen for the day on request of Senator Hultman; Senator Rush for the morning session on request of Senator Junkins.

COMMITTEE OF THE WHOLE

Senator Hultman moved that the Senate now resolve itself into a committee of the whole to have questions answered concerning House File 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, imposing a minimum tax, reducing the deduction for federal taxes from state corporate taxable income, amending certain inheritance tax provisions, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication.

The motion prevailed by a voice vote.

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present and 10 absent and a quorum present.

Senator Craft presented an outline of House File 2171 to the committee of the whole.

The committee of the whole stood at ease until the fall of the gavel.

The committee of the whole was called to order by President Branstad.

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

The following individuals appeared in the well of the Senate for questions and answers concerning House File 2171:

Ronald F. Mosher, State Comptroller.

Gene Eich, Deputy Director of Property Tax, Department of Revenue.

Donald R. Cooper, Director of Income Tax Division, Department of Revenue.

Richard Jacobs, Director of the Research and Management Services Division, Department of Revenue.

Lorin D. Knapp, Research Analyst for the Research and Management Services Division, Department of Revenue.

Dennis C. Prouty, Senior Fiscal Analyst, Legislative Fiscal Bureau.

Chris Gaare, Legislative Fiscal Analyst, Legislative Fiscal Bureau.

Bernie Koebernick, Senior Legal Counsel, Legislative Service Bureau.

Senator Junkins asked and received unanimous consent that the following individuals be permitted in the Senate lounge for consultation on House File 2171 by the committee of the whole:

John Raife, Attorney at law, Des Moines.

Rolland Grefe, Attorney at law, Des Moines.

Maurice E. Stark, Attorney at law, Fórt Dodge.

Larry Ward, Professor of Law, University of Iowa, Iowa City.

Steven Gold, National Conference of State Legislatures, Denver, Colorado.

Peter Fisher, Urban & Regional Planning Economist, University of Iowa, Iowa City.

Senator Small asked and received unanimous consent that the individuals permitted in the Senate lounge be allowed to sit in the rear of the Senate chamber because of audio difficulties in the Senate lounge.

Senator Murray asked and received unanimous consent that Senators who had questions from the individuals permitted in the rear of the chamber, leave the chamber and retire to the Senate lounge for their consultation.

RECESS

On motion of Senator Hultman, the committee of the whole recessed until 1:30 p.m.

RECONVENED

The committee of the whole reconvened at 1:30 p.m., Senator Craft in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller of Cerro Gordo for the afternoon on request of Senator Junkins.

President Branstad took the chair at 1:40 p.m.

On motion of Senator Hultman, the Senate arose from the committee of the whole and resumed regular session.

INTRODUCTION OF BILLS

Senate File 2180, by Committee on Education, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

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

Senate File 2181, by Gentleman, a bill for an act to provide an additional exemption credit for state individual income tax purposes for certain permanently and totally disabled persons, and providing an effective date.

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

Senate File 2182, by Committee on Commerce, a bill for an act relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

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

Senate File 2183, by Committee on Transportation, a bill for an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

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

RECESS

On motion of Senator Hultman, the Senate recessed at 2:25 p.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:10 p.m., President Branstad presiding.

QUORUM CALL

Senator Nystrom requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

INTRODUCTION OF BILL

Senate File 2184, by Committee on Labor and Industrial Relations, a bill for an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

Read first time and placed on calendar.

BILL REFERRED TO COMMITTEE

President Branstad announced that **Senate File 105** was referred to the committee on **Ways and Means** under Senate Rule 37.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Carney for the afternoon session and February 18, 1982, on request of Senator Hultman.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2097.

Senate File 2097

On motion of Senator Kudart, Senate File 2097, a bill for an act allowing the certification of floor plans for a building as required under chapter 499B by a registered land surveyor, with report of committee recommending passage, was taken up for consideration.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2097) the vote was:

Ayes, 41:

Anderson	Baucher	Briles	Brown
Carr	Coleman	Comito	Craft
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rush	Schwengels	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, 3:

DeKoster	Gentleman	Priebe
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Absent or not voting, 6:

Bisenius	Carney	Miller, A.V.	Rodgers
Slater	Van Gilst		

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

Senate File 2146

On motion of Senator Gratias, Senate File 2146, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication, was taken up for consideration.

Senator Junkins raised the point of order that Senate File 2146 should be referred to the committee on Appropriations under Senate Rule 37.

Senator Junkins withdrew his point of order.

Senator Junkins asked and received unanimous consent that further action on **Senate File 2146** be deferred.

Senate File 2147

On motion of Senator Drake, Senate File 2147, a bill for an act requiring display of headlights on vehicles operating from one-half hour before sunset to one-half hour after sunrise and making penalties applicable, was taken up for consideration.

Senator Waldstein offered amendment S—5100 filed by him on February 15, 1982 to page 1 and the title page of the bill.

Senator Coleman raised the point of order that amendment S—5100 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5100 out of order.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2147) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Anderson	Brown	Carr	Craft
Deluhery	Doyle	Drake	Gentleman
Jensen	Junkins	Kinley	Kudart
Lura	Murray	Nystrom	Palmer
Priebe	Ramsey	Rush	Schwengels
Small	Waldstein	Wells	Yenger

Nays, 19:

Baughner	Briles	Coleman	Comito
DeKoster	Dreeszen	Gallagher	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Miller, C.P.	Readinger
Taylor	Tieden	Vande Hoef	

Absent or not voting, 7:

Bisenius	Carney	Gratias	Miller, A.V.
Rodgers	Slater	Van Gilst	

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2171	Transportation
S. F.	2173	Appropriations
S. F.	2179	Ways and Means

FURTHER REPORTS OF COMMITTEE MEETINGS

COMMERCE*

* A previous report of this meeting was recorded on page 409 of the Senate Journal.

Final Bill Action: SENATE FILE 2182 (SSB 2006), a bill for an act relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Jensen and Rush. Nays, none. Absent or not voting, 2: Holden and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

EDUCATION*

*A previous report of this meeting was recorded on page 402 of the Senate Journal.

Final Bill Action: SENATE FILE 2180 (SSB 2179), a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Gratiias, Carney, Brown, Anderson, DeKoster, Dreeszen, Taylor and Wells. Nays, none. Absent or not voting, 2: Jensen and Small.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

TRANSPORTATION*

*A previous report of this meeting was recorded on pages 409-410 of the Senate Journal.

Final Bill Action: SENATE FILE 2183 (SSB 2067), a bill for an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Drake, Jensen, Coleman, Comito, Doyle, Hutchins and Nystrom. Nays, none. Absent or not voting, 3: Bisenius, A. Miller and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: February 16, 1982, 8:10 a.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Dreeszen, Hulse, Husak, Vande Hoef, Van Gilst and Waldstein.

Members Absent: A. Miller (excused).

Other Committee Business: Discussed SSB 2066.

Adjourned: 9:05 a.m.

CITIES

Convened: February 17, 1982, 3:05 p.m.

Members Present: Readinger, Chair; Comito, Vice Chair; Carney, Holden, Kinley, Waldstein and Wells.

Members Absent: A. Miller, Ranking Member and Slater (both excused).

Final Bill Action: SENATE FILE 578, a bill for an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Readinger, Comito, Carney, Holden, Kinley, Waldstein and Wells. Nays, none. Absent or not voting, 2: A. Miller and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Presentation from Doug Gross and Ken Quin on SSB 2138.

Adjourned: 3:30 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: February 11, 1982, 8:20 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias, Hultman and Wells.

Members Absent: Kinley.

Final Bill Action: SENATE FILE 2184 (SSB 2155), a bill for an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Hulse, Carney, Anderson, Goodwin, Gratias, Hultman and Wells. Nays, 1: Brown. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:40 a.m.

NATURAL RESOURCES

Convened: February 17, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden, Gallagher and Hutchins.

Members Absent: Rodgers (excused).

Final Bill Action: HOUSE FILE 2027, a bill for an act to provide for a special turkey hunting license for landowners and tenants of farm units and their family members.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden, Gallagher and Hutchins. Nays, none. Absent or not voting, 1: Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:30 a.m.

AMENDMENTS FILED

S—5105	H.F.	2090	Arthur A. Small, Jr. John W. Jensen
S—5106	S. F.	2088	Berl E. Priebe
S—5107	S. F.	2088	Berl E. Priebe James V. Gallagher
S—5108	S. F.	2088	Berl E. Priebe
S—5109	S. F.	124	Berl E. Priebe
S—5110	S. F.	446	Richard Comito
S—5111	S. F.	446	Richard Comito

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:20 p.m., until 9:00 a.m., Thursday, February 18, 1982.

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 18, 1982

The Senate met in regular session at 9:05 a.m., Senator Nystrom presiding.

Prayer was offered by Father Phillip Schmidt, pastor of the Holy Trinity Roman Catholic Church, Waldorf, Iowa.

The Journal of Wednesday, February 17, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Stilley, M.D., resident at Broadlawns General Hospital, Des Moines, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 16, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 574, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property.

Senate File 2126, a bill for an act to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in section 586.1.

ALSO: That the House has on February 16, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 217, a bill for an act to provide certain exemptions from the real estate transfer law and the requirements relating to the filing of a declaration of value.

ALSO: That the House has on February 16, 1982, concurred in Senate amendment to House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 474, a bill for an act relating to the tort liability of governmental subdivisions.

ALSO: That the House has on February 16, 1982, passed the following bills in which the concurrence of the Senate is asked:

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

This bill was read first time and **passed on file**.

House File 2337, a bill for an act relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

This bill was read first time and **passed on file**.

House File 2338, a bill for an act making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals, and civil appeals more uniform and consistent.

This bill was read first time and **passed on file**.

House File 2339, a bill for an act to prohibit bail following conviction of a forcible felony.

This bill was read first time and **passed on file**.

House File 2345, a bill for an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors.

This bill was read first time and **passed on file**.

House File 2347, a bill for an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILLS

Senate File 2185, by Anderson, a bill for an act creating a new class of commercial residential property and providing for the valuation of this class of property at a percentage of its actual value as equalized by the director of revenue for tax purposes for 1983 and future years.

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

Senate File 2186, by Committee on Ways and Means, a bill for an act relating to the examination and appointment of deputy assessors.

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

RECESS

On motion of Senator Hultman, the Senate recessed at 9:10 a.m., until 10:00 a.m.

RECONVENED

The Senate reconvened at 10:08 a.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 17, 1982, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 115

By: Pope and Avenson

2 *The Senate Concurring*, That a joint convention of
3 the two houses of the 1982 session of the Sixty-ninth
4 General Assembly be held on Monday, February 22, 1982,
5 at 11:00 a.m.
6 *Be It Further Resolved*, That Chief Justice of the
7 Supreme Court W. Ward Reynoldson be invited to present
8 his message of the condition of the judicial department
9 at this joint convention, and recommend such matters as
10 the Chief Justice deems expedient, pursuant to section
11 684.22 of the Code.

This bill was read first time and referred to the committee on
Rules and Administration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Priebe for the morning session on request of Senator Junkins.

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

The Senate resumed session, President pro tempore Ramsey
presiding.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:40 a.m.,
until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:40 p.m., President Branstad
presiding.

INTRODUCTION OF BILLS

Senate File 2187, by Ramsey, a bill for an act relating to costs
incurred for a mobile home space when a tenant abandons the
mobile home.

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

Senate File 2188, by Gentleman, a bill for an act declaring a
state holiday to be known as Iowa day.

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

Senate File 2189, by Committee on Natural Resources, a bill for an act to appropriate funds to initiate a water resources data bank.

Read first time and referred to the committee on **Appropriations**.

Senate File 2190, by Committee on Ways and Means, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities.

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

Senate File 2191, by Committee on Ways and Means, a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, effective upon publication.

Read first time and referred to the committee on **Appropriations**.

Senate File 2192, by Committee on Judiciary, a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

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

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2193, by Committee on County Government, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund.

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

Senate File 2194, by Committee on County Government, a bill for an act restricting the burning of vegetation within rights-of-way of public roads and other public land and to provide a penalty for violations.

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

Senate File 2195, by Committee on Commerce, a bill for an act relating to financial transactions involving the payment of interest.

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

APPENDIX

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. F. 2181 Ways and Means

COMMUNICATION

The following communication has been received in the office of the Lieutenant Governor:

JOB SERVICE OF IOWA

Pursuant to Sec. 96.11(1), Code 1981, the Director of Job Service of Iowa shall promptly inform the governor and legislature whenever the director believes that a change in the contribution or benefit rates will become necessary to protect the solvency of the fund, and make recommendations with respect thereto.

The communication from the Director notifies the Lieutenant Governor that all current projections indicate that Iowa's unemployment insurance trust fund will become insolvent on or about the second week of April, 1982, and awaits instructions from the legislature.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 18, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 322—Prohibiting certain uses of licenses issued by the State Conservation Commission and providing a penalty.

H.F. 210—Authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions.

H.F. 444—Relating to the payment of state aid for pupils previously enrolled in a laboratory school.

H.F. 856—To legalize the proceedings of the city council of Chariton relating to the construction of certain buildings.

H.F. 2112—Permitting school districts to combine the position of secretary and treasurer.

STUDY BILLS RECEIVED

S.S.B. 2198 Commerce

Relating to the Iowa Health Insurance Guaranty Association Act.

S.S.B. 2199 Appropriations

Relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

S.S.B. 2200 State Government

Relating to the creation of the Iowa hospital equipment financing authority for the purpose of issuing bonds to assist health care providers in obtaining and financing health care equipment.

S.S.B. 2201 Labor and Industrial Relations

Relating to the enforcement of the state elevator Code, and providing a civil penalty.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Wednesday, February 17, 1982, when the final vote was taken on Senate File 2147.

Had I been present, I would have voted "aye" on this bill.

ARTHUR L. GRATIAS

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Bill Action: HOUSE CONCURRENT RESOLUTION 115, a resolution inviting Chief Justice of the Supreme Court, W. Ward Reynoldson to speak to a joint convention on February 22, 1982.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Holden, Junkins, Ramsey and Kinley. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

**FURTHER
REPORT OF COMMITTEE MEETING**

NATURAL RESOURCES*

*A previous report of this meeting was recored on page 421 of the Senate Journal.

Final Bill Action: SENATE FILE 2189 (SSB 2054), a bill for an act to appropriate funds to initiate a water resources data bank.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden, Gallagher and Hutchins. Nays, none. Absent or not voting, 1: Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 17, 1982, 2:25 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush (arrived 2:55 p.m.).

Members Absent: none.

Final Bill Action: SENATE FILE 2195 (SSB 2042A), a bill for an act relating to financial transactions involving the payment of interest.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:00 p.m.

COUNTY GOVERNMENT

Convened: February 16, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger.

Members Absent: none.

Final Bill Action: SENATE FILE 2193 (SSB 2020), a bill for an act authorizing the payment of the salaries and expense of bailiffs from the court expense fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2194 (SSB 2052), a bill for an act restricting the burning of vegetation within rights-of-way of public roads and other public land to provide a penalty for violations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10, Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; Senate File 2098 failed recommendation for passage.

Adjourned: 3:35 p.m.

EDUCATION

Convened: February 18, 1982, 3:10 p.m.

Members Present: Gratias, Chair; Brown, Ranking Member; DeKoster, Dreeszen, Jensen and Wells.

Members Absent: Carney, Vice Chair (excused); Anderson, Small and Taylor.

Final Bill Action: HOUSE FILE 2147, a bill for an act changing the date for the organizational meeting of the board of directors of a merged area.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Gratias, Brown, DeKoster, Dreeszen, Jensen and Wells. Nays, none. Absent or not voting, 4: Carney, Anderson, Small and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Subcommittee chairmanship on Senate File 2096 reassigned to Senator Jensen.

Adjourned: 3:15 p.m.

JUDICIARY

Convened: February 16, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: Deluhery.

Final Bill Action: SENATE FILE 2192 (SSB 2156), a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 4:00 p.m.

JUDICIARY

Convened: February 17, 1982, 3:15 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: none.

Final Bill Action: HOUSE FILE 744, a bill for an act relating to pre-trial and post-trial criminal procedures.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5112.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Doyle, Deluhery, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:20 p.m.

TRANSPORTATION

Convened: February 18, 1982, 11:40 a.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Comito, Doyle, A. Miller, Murray and Nystrom.

Members Absent: Bisenius and Hutchins.

Final Bill Action: HOUSE FILE 808, a bill for an act relating to the registration of and licensing for the operation of motor vehicles, with a December 1, 1983 effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5114.

Final Vote: Ayes, 7: Drake, Jensen, Coleman, Comito, A. Miller, Murray and Nystrom. Nays, 1: Doyle. Absent or not voting, 2: Bisenius and Hutchins.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:00 noon.

WAYS AND MEANS

Convened: February 16, 1982, 1:30 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Hester, Holden, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor, Van Gilst and Hultman.

Members Absent: Rodgers, Ranking Member (excused).

Final Bill Action: SENATE FILE 2186 (SSB 2039), a bill for an act relating to the examination and appointment of deputy assessors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Craft, Readinger, Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Junkins and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; amended SSB 2031 and SSB 2160 and ordered redrafted as committee bills.

Adjourned: 2:45 p.m.

WAYS AND MEANS

Convened: February 18, 1982, 9:00 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Rodgers, Ranking Member (excused).

Final Bill Action: SENATE FILE 2190 (SSB 2160), a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hester, Priebe, Ramsey, Palmer, Husak, Lura, Rush, Readinger and Craft. Nays, none. Absent or not voting, 6: Holden, Hultman, Junkins, Taylor, Van Gilst and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2191 (SSB 2031), a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hester, Priebe, Ramsey, Palmer, Husak, Lura, Rush, Readinger and Craft. Nays, none. Absent or not voting, 6: Holden, Hultman, Junkins, Taylor, Van Gilst and Rodgers.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Recessed: 10:05 a.m.

Reconvened: 3:20 p.m.

ALSO:

Final Bill Action: HOUSE FILE 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, imposing a minimum tax, reducing the deduction for federal taxes from state corporate taxable income, amending certain inheritance tax provisions, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5115.

Final Vote: Ayes: 8: Craft, Readinger, Hester, Holden, Hultman, Lura, Ramsey and Taylor. Nays, 6: Husak, Junkins, Palmer, Priebe, Rush and Van Gilst. Absent or not voting, 1: Rodgers.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 5:15 p.m.

PRESENTATION OF VISITORS

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

Eleven students from Mitchell Elementary School, Ames, Iowa, accompanied by Jan Schweitzer. Senator Murray.

AMENDMENTS FILED

S—5112	H.F.	744	Judiciary Committee
S—5113	S. F.	217	House Amendment
S—5114	H.F.	808	Transportation Committee
S—5115	H.F.	2171	Ways and Means Committee

ADJOURNMENT

On motion of Senator Nystrom, the Senate adjourned at 4:20 p.m., until 9:00 a.m., Friday, February 19, 1982.

JOURNAL OF THE SENATE

FORTIETH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 19, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Honorable Jack W. Hester, member of the Senate from Pottawattamie County, Honey Creek, Iowa.

* The Journal of Thursday, February 18, 1982, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 16, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2335, a bill for an act relating to the sentences of inmates committed to the custody of the director of the division of adult corrections.

This bill was read first time and **passed on file**.

ALSO: That the House has on February 17, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2341, a bill for an act relating to establishing a state employee suggestion system.

This bill was read first time and **passed on file**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2171.

House File 2171

On motion of Senator Craft, House File 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, imposing a minimum tax, reducing the deduction for federal taxes from state corporate taxable income, amending certain inheritance tax provisions, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication, with report of committee recommending amendment and passage, was taken up for consideration.

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

The Senate resumed session, Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

BUSINESS PENDING**House File 2171**

The Senate resumed consideration of House File 2171.

President Branstad took the chair at 10:35 a.m.

Senator Hultman asked and received unanimous consent that further action on **House File 2171** be **deferred**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House Concurrent Resolution 115.

House Concurrent Resolution 115

On motion of Senator Hultman, House Concurrent Resolution 115, a resolution providing for a joint convention for the condition of the judicial department message, filed February 18, 1982, and found on pages 425 and 426 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Hultman moved the adoption of House Concurrent Resolution 115, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent that **House Concurrent Resolution 115** be immediately messaged to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2088.

Senate File 2088

On motion of Senator Gratias, Senate File 2088, a bill for an act to authorize a property tax levy by school districts for a cash reserve, with report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator Craft offered amendment S—5092 filed by the committee on Ways and Means on February 11, 1982, to page 1 of the bill.

Senator Gratias offered amendment S—5116 filed by him from the floor to amendment S—5092 and moved its adoption.

A non record roll call was requested.

The ayes were 40, nays 6.

Amendment S—5116 was adopted.

Senator Brown called for a division of amendment S—5092 as amended: lines 2 through 29 as division S—5092A and lines 30 through 42 as division S—5092B.

Senator Brown asked and received unanimous consent that action on division S—5092A, as amended, be deferred.

Senator Craft moved the adoption of division S—5092B as amended, which motion prevailed by a voice vote.

Senator Craft moved the adoption of division S—5092A, as amended, and previously deferred.

A record roll call was requested.

On the question "Shall division S—5092A, as amended, be adopted?" (S.F. 2088) the vote was:

Ayes, 34:

Baughner	Briles	Carney	Carr
Coleman	Comito	Craft	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Priebe	Ramsey
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Waldstein		

Nays, 10:

Anderson	Brown	DeKoster	Deluhery
Murray	Readinger	Rush	Van Gilst
Wells	Yenger		

Absent or not voting, 6:

Bisenius	Gallagher	Hultman	Palmer
Rodgers	Small		

Division S—5092A, as amended, was adopted.

Senator Priebe offered amendment S—5106 filed by him on February 17, 1982, to page 1 of the bill.

Senator Priebe asked and received unanimous consent that action on amendment S—5106 be deferred.

Senator Holden offered amendment S—5103 filed by him on February 16, 1982, to page 1 and the title page of the bill.

Senator Brown raised the point of order that amendment S—5103 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5103 out of order.

Senator Holden offered amendment S—5104 filed by him on February 16, 1982, to page 1 and the title page of the bill.

Senator Brown raised the point of order that amendment S—5104 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5104 out of order.

Senator Priebe offered amendment S—5107 filed by Senators Priebe and Gallagher on February 17, 1982, to page 1 of the bill.

Senator Gratias raised the point of order that amendment S—5107 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5107 in order.

Senator Priebe moved the adoption of amendment S—5107, which motion prevailed by a voice vote.

Senator Priebe offered amendment S—5119 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—5119 be adopted?” (S.F. 2088) the vote was:

Ayes, 10:

Coleman	Comito	Dreeszen	Gentleman
Hester	Holden	Kudart	Priebe
Vande Hoef	Waldstein		

Nays, 37:

Anderson	Baughar	Briles	Brown
Carney	Carr	Craft	DeKoster
Deluhery	Doyle	Drake	Goodwin
Gratias	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley

Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Taylor	Tieden	Van Gilst	Wells
Yenger			

Absent or not voting, 3:

Bisenius	Gallagher	Rodgers
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Amendment S—5119 lost.

Senator Priebe moved the adoption of amendment S—5106 to page 1 of the bill, previously deferred and requested a record roll call.

On the question "Shall amendment S—5106 be adopted?" (S.F. 2088) the vote was:

Ayes, 14:

Baughner	Coleman	Comito	Doyle
Dreeszen	Gentleman	Hester	Holden
Husak	Kinley	Priebe	Tieden
Vande Hoef	Waldstein		

Nays, 33:

Anderson	Briles	Brown	Carney
Carr	Craft	DeKoster	Deluhery
Drake	Goodwin	Gratias	Hulse
Hultman	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Schwengels	Slater
Small	Taylor	Van Gilst	Wells
Yenger			

Absent or not voting, 3:

Bisenius	Gallagher	Rodgers
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Amendment S—5106 lost.

(Senate File 2088 pending on adjournment.)

INTRODUCTION OF BILL

Senate File 2196, by Husak and Brown, a bill for an act making a standing appropriation to Iowa state university of science and technology to conduct coal utilization research.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2004

Appropriations
Carney, Chair
Van Gilst
Dreeszen
Nystrom
Hutchins

SENATE FILE 2139

Ways and Means
Van Gilst, Chair
Holden
Readinger

SENATE FILE 2143

Natural Resources
Rodgers, Chair
Gentleman
Gallagher

SENATE FILE 2145

Natural Resources
Tieden, Chair
Hutchins
Van Gilst

SENATE FILE 2158

Judiciary
Murray, Chair
Doyle
Lura

SENATE FILE 2160

Judiciary
Kudart, Chair
Doyle
Ramsey

SENATE FILE 2162

Natural Resources
Tieden, Chair

SENATE FILE 2135

County Government
Hester, Chair
Goodwin
Wells

SENATE FILE 2141

Ways and Means
Craft, Chair
Hester
Van Gilst
Priebe
Lura

SENATE FILE 2144

Education
Taylor, Chair
Jensen
Wells

SENATE FILE 2154

Appropriations
Murray, Chair
Palmer
Hultman
Jensen
Slater

SENATE FILE 2159

State Government
Schwengels, Chair
Drake
Palmer

SENATE FILE 2161

Natural Resources
Van Gilst, Chair
Goodwin
Tieden

SENATE FILE 2164

Judiciary
Ramsey, Chair

Goodwin
Rodgers

DeKoster
Rush
Murray
Doyle

SENATE FILE 2171

Transportation
Coleman, Chair
Bisenius
Jensen

SENATE RESOLUTION 107

Rules and Administration
Hultman, Chair
Junkins
Hulse

SENATE RESOLUTION 108

Rules and Administration
Hultman, Chair
Junkins
Hulse

HOUSE FILE 748

Judiciary
Coleman, Chair
Baugher
Deluhery

HOUSE FILE 2003

Judiciary
Dreeszen, Chair
Doyle
Carr

HOUSE FILE 2027

Natural Resources
Gentleman, Chair
Kudart
Rodgers

HOUSE FILE 2171

Ways and Means
Craft, Chair
Rodgers
Readinger
Hester
Rush

HOUSE FILE 2224

County Government
Brown, Chair
Goodwin
C. Miller

HOUSE FILE 2227

Commerce
Deluhery, Chair
Jensen
Craft

HOUSE FILE 2240

Judiciary
Murray, Chair
Small
Kudart

HOUSE FILE 2248

Judiciary
Kudart, Chair
Murray
Rush

HOUSE FILE 2249

Transportation
Doyle, Chair
Comito
Jensen

HOUSE FILE 2250

Transportation
Comito, Chair
Jensen
Doyle

HOUSE FILE 2333

Judiciary
Kudart, Chair
Doyle
Rush

SSB 2130

Appropriations
Carney, Chair
Van Gilst
Dreeszen
Nystrom
Hutchins

SSB 2181

Commerce
DeKoster, Chair
Holden
Priebe

SSB 2184

State Government
Nystrom, Chair
Schwengels
Slater

SSB 2186

Transportation
Jensen, Chair
Bisenius
Hutchins

SSB 2188

County Government
Wells, Chair
C. Miller
Hester

SSB 2190

Education
Gratias, Chair
Jensen
Wells

SSB 2192

Judiciary
Small, Chair
Lura
Taylor

SSB 2194

State Government
Nystrom, Chair
Drake
Palmer

SSB 2179

Education
Gratias, Chair
Dreeszen
Brown

SSB 2183

Natural Resources
Tieden, Chair
Goodwin
Schwengels
Hutchins
Van Gilst

SSB 2185

Transportation
Hutchins, Chair
Bisenius
Jensen

SSB 2187

Transportation
Hutchins, Chair
Bisenius
Jensen

SSB 2189

Human Resources
Gentleman, Chair
Vande Hoef
Carr

SSB 2191

Judiciary
Kudart, Chair
Doyle
Dreeszen

SSB 2193

Natural Resources
Schwengels, Chair
Kudart
Van Gilst

SSB 2195

State Government
Drake, Chair
Briles
Gallagher

SSB 2196

State Government
Nystrom, Chair
Briles
Hutchins

SSB 2197

County Government
Vande Hoef, Chair
Hester
Wells

SSB 2198

Commerce
DeKoster, Chair
Comito
Rush

The following subcommittee was reassigned on February 18, 1982:

SENATE FILE 2096

Education
Jensen, Chair
Wells
Dreeszen

COMMUNICATION

The following communication was filed with the Secretary of the Senate on February 17, 1982.

February 16, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

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

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

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

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

Receipt of the above is hereby acknowledged.

K. MARIE THAYER
Secretary of the Senate

**OFFICE
STATE COMPTROLLER**

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
10571-69-25	Brock Lumber Company Maquoketa, Iowa Registration fee refund	\$ 1,245.00	Disapproved
10621-69-25	Kleiman Construction, Inc. Cedar Rapids, Iowa Contract with University of Iowa	53,542.98	Disapproved
10671-69-25	LaCrosse Lutheran Hospital LaCrosse, Wisconsin Outdated Claim	5,064.17	Disapproved
10717-69-25	St. Luke's Regional Medical Center Sioux City, Iowa Outdated Title XIX claim	388.94	Disapproved
10734-69-25	Ringgold County Hospital Mount Ayr, Iowa Outdated Title XIX claim	200.00	Disapproved

COMMUNICATIONS

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

DEPARTMENT OF HEALTH

The State Radiation Safety Plan for the Interagency Coordinating Council for Radiation Safety pursuant to Chapter 136C, prepared by the Department of Health.

DEPARTMENT OF TRANSPORTATION

A copy of the 1981 Iowa River Report prepared by the Department of Transportation which presents a review of the existing river system and a discussion of the major issues surrounding the river system.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber Wednesday afternoon, February 17, 1982.

Had I been present, I would have voted "aye" on Senate File 2097.

CLARENCE S. CARNEY

STUDY BILLS RECEIVED

S.S.B. 2202 Human Resources

Exempting certain transfers and discharges of multi-level care facility residents covered by continuing care contracts, from the provisions of the residents' bill of rights.

S.S.B. 2203 Energy

To provide a five percent reduction in the taxable valuation of energy efficient, single family detached dwellings, and providing an effective date.

S.S.B. 2204 Energy

Relating to the continuation of the activities and functions of the energy policy council and changing the date of the submission of the council's required report.

AMENDMENTS FILED

S-5116	S. F.	2088	Arthur L. Gratiis
S-5117	H.F.	2171	Mick Lura
S-5118	H.F.	2171	Ray Taylor
			Sue Yenger
			Jack W. Hester
			Elvie L. Dreeszen
			Richard Vande Hoef
S-5119	S. F.	2088	Berl E. Priebe
S-5120	H.F.	2171	William D. Palmer
			Lowell L. Junkins
			C.W. Bill Hutchins

			Charles P. Miller
			Bob Carr
			Donald V. Doyle
			Alvin V. Miller
			C. Joseph Coleman
			Joe Brown
			Emil J. Husak
			James D. Wells
			Patrick J. Deluhery
			Bob Rush
			Arthur A. Small, Jr.
			Ted Anderson
			Berl E. Priebe
			Tom Slater
			James V. Gallagher
S—5121	H.F.	2171	Ted Anderson
			Lowell L. Junkins
			C.W. Bill Hutchins
			James D. Wells
			Charles P. Miller
			James V. Gallagher
			George R. Kinley
			Donald V. Doyle
			Bob Rush
			Tom Slater
			Patrick J. Deluhery
			C. Joseph Coleman
			Alvin V. Miller
			William D. Palmer
			Bob Carr
			Arthur A. Small, Jr.
			Emil J. Husak
			Joe Brown
			Bass Van Gilst
S—5122	H.F.	2171	Ted Anderson
			Lowell L. Junkins
			C.W. Bill Hutchins
			James D. Wells
			Charles P. Miller
			James V. Gallagher
			Donald V. Doyle

Tom Slater
Patrick J. Deluhery
C. Joseph Coleman
Alvin V. Miller
William D. Palmer
Bob Carr
Arthur A. Small, Jr.
Joe Brown

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 12:12 p.m., until 9:00 a.m., Monday, February 22, 1982.

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 22, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Honorable Lucas J. DeKoster, member of the Senate from Sioux County, Hull, Iowa.

The Journal of Friday, February 19, 1982, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kudart for the morning session on request of Senator Hultman.

INTRODUCTION OF BILL

Senate File 2197, by Committee on Judiciary, a bill for an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody.

Read first time and placed on calendar.

QUORUM CALL

Senator Junkins requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred February 19, 1982)

House File 2171

The Senate resumed consideration of House File 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, imposing a minimum tax, reducing the deduction for federal taxes from state corporate taxable income, amending certain inheritance tax provisions, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication, deferred on February 19, 1982.

Senator Palmer offered amendment S—5120 filed by Senators Palmer, et al., on February 19, 1982, to strike everything after the enacting clause and to the title of the bill.

Senator Comito offered amendment S—5129 filed by him from the floor to pages 4 and 5 of amendment S—5120 and moved its adoption.

Amendment S—5129 lost by a voice vote.

Senator Junkins called for a division of amendment S—5120 as follows:

Division S—5120A: Page 3, lines 42 through 47; page 4, lines 14 through 50; page 5, line 1 and lines 29 through 50; page 6, lines 1 through 16 and lines 43 through 50; page 7, lines 1 through 5; page 9, lines 12 through 16.

Division S—5120B: Page 1, lines 3 through 50; page 2; page 3, lines 1 through 41 and lines 48 through 50; page 4, lines 1 through 13; page 5, lines 2 through 28; page 6, lines 17 through 42; page 7, lines 6 through 50; page 8, lines 1 through 42; page 9, lines 6 through 11.

Division S—5120C: Page 8, lines 43 through 50; page 9, lines 1 through 5.

(House File 2171 and division S—5120A pending)

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 115, duly adopted, the joint convention was called to order at 11:00 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, 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, Murray and Rush, on the part of the Senate, and Representatives Spear, Renken and Shull, on the part of the House.

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

The committee waited upon 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, MR. SPEAKER, SENATORS, REPRESENTATIVES,
STATE OFFICIALS, AND FELLOW IOWANS:

In 1980 and 1981, I opened my remarks with brief references to then-current events in foreign lands—not because they directly affected Iowa's justice system, but because they invited comparison with our nation's protection of freedom through independent courts. Events like those make us realize that when we improve our courts we strengthen the sinews that bind our society.

As we met in 1980 our hostages still were imprisoned in Iran. They now are freed, but that is still a land where the arrest is the first notification of a prior secret adjudication of guilt. Shortly before we met in 1981, Polish Solidarity Leader Lech Walesa had touched our hearts with his call for "the right of human beings to their dignity, to order and to justice." His voice is silent now, his condition unknown. Solidarity leaders are scattered or held in concentration camps. Poland remains a country without the "great writ" of habeas corpus, or the court-enforced due process protections of counsel, trial, confrontation of witnesses, jury—all those safeguards sometimes viewed impatiently here when invoked by others, but upon which, consciously or unconsciously, we all daily rely.

Iowans also rely on their courts to enforce their contracts, determine their property rights, adjudicate their personal injury claims, dissolve their marriages, adjust their public employment relations, probate their estates, remedy discrimination, discipline criminals, and perform an expanding myriad of other functions, all pursuant to legislation you have adopted.

Our institutions, however, are not self-regenerating. There is no assurance our laws, our courts, or even our society will survive. Like all human constructions, they must continually be inspected, repaired, and refurbished. So let us examine together the structure we call Iowa's justice system to determine its condition and what changes are required if it is to meet today's problems.

TRIAL COURTS

Focusing on the district court dockets, criminal filings climbed again in 1981. Civil filings remained about steady. Potential civil litigants face the bleak prospect of standing in line for trial behind the criminal cases, which are given priority under our constitution and your speedy trial rules. Our 1981 year-end analysis documented the mounting backlog of civil and criminal cases in district court. The number of civil cases still pending after 18 months jumped to 12,566, a 25 percent increase in one year. The number of criminal cases undecided after 18 months surged to 3930, a 56 percent increase in one year.

These cold statistics blanket books of human tragedy: Iowans' lives held hostage; their fortunes in suspense. Controversies fester; the innocent carry the mark of the false accusation; the guilty delay punishment. The latter problem is not new. In the words of "The Preacher" in the Old Testament, "Because sentence against an evil deed is not executed speedily, the heart of the sons of men is fully set to do evil." Our criminal justice system is less effective when a potential law violator knows that punishment will not be swift and certain.

This case backlog mounted while district judges worked hard to increase case dispositions: from 394 per judge in 1956 to almost double that, 761 per judge, in 1981. More cases have been terminated in recent years when, through the use of federal and county funds, court administrators were deployed in the eight judicial districts. Last year you wisely picked up this expense, although at a reduced level, with a portion of the funds generated by an increase in district court filing fees. This year we ask that the balance of the filing fee money be appropriated to this branch of government to further supplement court administration.

The combined efforts of our district judges, district associate judges, magistrates, referees, court administrators, law clerks, juvenile probation officers, court reporters, and clerks of court permitted Iowa's District Court to move a mountain of legal matters in 1981, and we are justly proud of them. This record nevertheless is small consolation to litigants who started the new year with an old lawsuit.

Iowa needs more judgepower. Under the statutory formula, case filings and population now call for 28 more district court judges. Our mutual constituents clearly discern this need. In an Iowa public opinion poll, authorized by the Judicial Coordinating Committee and funded by the Edwin T. Meredith Foundation, 87 percent of the respondents agreed with the statement that "long delays occur before a civil case comes to trial." Almost 70 percent agreed with the statement that "courts do not have enough judges to handle the work load."

The need for some of those additional judges might be satisfied by careful attention to support personnel requirements. We could try more cases if the judges now on the line could concentrate on the central task of adjudication. This can be accomplished with your help in continuing to expand the use of trained court administrators, modern technology, and modern business methods. Management of court machinery should be in the hands of permanent, trained personnel—administrators and clerks of court—but always subject to the control and guidance of the judges themselves.

A further efficiency can be achieved by expanding the use of law clerks, your lawyers who cost much less than judges, to do necessary research.

Judges do not and should not decide cases on the basis of their private notions of abstract justice. There is a need for continuity in the law so that persons can know its limits and project its reach. In their daily encounters with new situations and problems, judges turn for guidance to applicable statutes. They search for adjudicated cases in this and other jurisdictions for the experience of other courts and the rationale of their solutions. I need not remind you that there has been an explosive increase in statutory law that must be carefully studied. The reported cases of state and federal courts are now running more than 54,000 per year. Recent law school graduates can do this necessary research and provide it to judges in memorandum form. This saves the judges time for exercise of judgment, including control of the courtroom, sentencing, and preparation of rulings—doing the things only a judge can do.

In fiscal year 1982 boards of supervisors in seven judicial districts provided a total of 14 law clerks for district judges. Those supervisors were on the firing line with the trial judges, hearing the complaints of derailed civil litigants, coping with overcrowded jails and observing other accused but bailed persons walking the streets because their trials were delayed. This burden of supporting state judicial officers should be shouldered and expanded by the state.

By way of comparison, in the federal district courts of Iowa, where 1981 case filings ran 385 per district judge, each judge was furnished two law clerks. In the Iowa District Court in 1981, 1002 civil and criminal cases were filed per judge—over two and one-half times the federal rates—but the state provided no research support. It would make economic sense to provide a law clerk to every trial judge in Iowa. One clerk for every four district judges should be an absolute minimum. The employment of 24 law clerks in the trial courts would be one of the most cost-effective ways to help slow the increase in Iowa's case backlog.

In the last 32 months 27 district court judges have been replaced, a turnover of 28 percent. We mention this to demonstrate our continued need for educational funding, because judicial skills are not acquired by the simple act of donning a robe. Judicial training has been an essential part of our coordinated effort to intellectually stimulate and retain high-quality trial and appellate judges.

As an example, our staff is preparing a special seminar in May on adjudication of alcohol and drug-related traffic offenses. This subject is timely because over 40 percent of the 35,577 indictable criminal cases filed in Iowa District Court in 1981 were first or second offense OMVUI—driving a motor vehicle while under the influence. This spring a judges' conference will focus on dissolutions and child support enforcement, again a vital area because almost 50 percent of our civil case filings, excluding small claims, involve domestic relations.

Your consideration and study of these social issues may lead to legislation that stems the rising tide of cases in our courts. Our case filing increase—now growing at the rate of 8.7 percent per year, or 43.6 percent in the last five years—may be dampened by the Uniform Arbitration Act you adopted last session. Experimentation with mediation centers, discussed in last year's message, merits attention. But we all realize our society continues to become more complex, uncertain, and unstable, generating more legal controversies. The reforms we suggest today are necessary to resolve yesterday's continuing problems. They should not be delayed by the forlorn hope district court case filings will fall.

APPELLATE COURTS

The crisis in our courts is not confined to the trial bench. In 1971, the year I joined the supreme court, 660 appeals were filed—about 73 for each of the nine justices. By 1976, when you wisely created the Iowa Court of Appeals, the annual filings had climbed to 1176. When the new court commenced operating on January 1, 1977, the average nonpriority civil appeal took nearly three years to be reached and terminated by formal opinion.

The combined efforts of the two courts drove that backlog down until we could hear ready cases within two or three months. The conscientious and hardworking central staff you provided us has helped enormously. Unfortunately, however, the number of appeals continued to climb and reached 1733 in 1981—about 124 for each of the now-fourteen appellate Judges. By October 1981, the delay between ready status and submission had grown to six months. This prompted the supreme court to begin a more summary treatment of appropriate cases, utilizing a panel of five justices, eliminating oral arguments, and writing short opinions. Our disposition rate climbed, but not fast enough.

Every person involved in an appeal believes his or her cause is vitally important, and it is. All supreme court justices would prefer to give every appeal full treatment by all nine members, with oral arguments and expanded written opinion. Anything less is the equivalent of battlefield surgery. However, the battle is joined. Appeals of regular civil cases submitted in January 1982 were made ready in May 1981, an eight-month delay—two months of additional lag over appeals submitted to the court last October. The supreme court has begun a “fast-track” experiment with selected cases: cutting the panel to three justices; deleting oral argument; writing terse, unpublished opinions. Our first rulings resulting from this experiment will be filed February 26.

Although the disposition rate per appellate judge has more than doubled in the last decade, from 54 in 1971 to 123 in 1981, the appeal backlog continues to mount as filings outdistance dispositions. We therefore are driven to recommend that you provide for, and fund with a supplemental appropriation this year, an additional member for the court of appeals and the necessary support personnel. Based on the fine production of that court—501 decisions in 1981—we believe an additional judge could increase appellate production by 100 appeals per year.

In addition to deciding cases and disposing of a massive number of motions, the supreme court in 1981 carried out its constitutional duty to exercise supervisory and administrative control over the state courts and to regulate the practice of law and discipline lawyers. Pursuant to authority you gave us by statute, we have formulated and submitted for your approval proposed civil, criminal, and involuntary hospitalization rule changes.

In 1981 you adopted legislation requesting the supreme court to undertake a study of the federal rules of evidence to determine which rules should be adopted for Iowa. In a rare oversight, you forgot to fund the project. As usual, the Iowa State Bar Association and the Iowa State Bar Foundation came to our rescue. The foundation has provided \$7500 for costs and staff expense. The association printed and mailed our poll of lawyers and judges on the subject. This identified 657 lawyers who offered to serve on an advisory study committee without charge. From these fine volunteers we selected judges, law school professors, and lawyers—professional talent that if retained privately would have cost thousands of dollars. With the aid of the research and comments provided by this committee, you will have the court's response before your 1983 session.

Since we last met, and pursuant to the bar association's request, the supreme court has amended its rules and has appointed two lay persons as members of the Committee on Professional Ethics and Conduct and nine lay persons to serve on the Grievance Commission—essential components of the court's attorney disciplinary machinery. These persons join other distinguished lay persons and dedicated lawyers who serve on committees and commissions that assist the court in carrying out its constitutional and statutory duties.

As a closing note on supreme court responsibilities, it appears you may have relieved us of an onerous task when through a fine bipartisan effort you adopted a reapportionment plan that has achieved national acclaim.

OVERVIEW

Time constraints will not allow us to analyze a number of serious problems affecting Iowans and their judicial system. Four must be mentioned.

First, we report that the curtailment of federal funding for Legal Services Corporation will limit legal services for low-income Iowans. Although it may be an exaggeration to say, as some do, that the unrepresented poor have access to the courts in the same manner that early Christians in the Roman arenas had access to the lions, it is true that the United States lags behind other common-law nations in providing legal services for the poor in civil cases. I believe most Iowa lawyers generously contribute legal services of one kind or another. However, it has been estimated that to meet all the legal needs of the poor would cost approximately \$5000 per lawyer—a burden that necessarily would be passed on to the paying clients. The Iowa State Bar Association and the supreme court are cooperating in studying methods to ease the impact. In the end, though, providing the poor access to justice is a public goal and responsibility. It merits your study to the same extent as public education or public health.

Another problem for any Iowan is the cost of going to court. In order to curb that cost, we are exploring the abuse of pretrial discovery. In 1980 you approved our rule limiting the number of written interrogatories, and lawyers tell us there has been a salutary lull in the war of automatic typewriters. We are studying methods to stem the fiscal hemorrhage of endless, and sometimes needless, oral depositions. Of course, the public bears a large portion of litigation cost. Last month we submitted for your review a civil rule permitting the trial judge to impose additional court cost sanctions when the litigants unreasonably wait until they reach the courthouse steps to settle their case. We hope this results in, fewer juries called in, paid, and dismissed, and less downtime for judges.

A third major worry is the replacement of quality judges. In less than three years, six district and district associate judges have quit before reaching minimum retirement age. At least four have returned to law practice. Judicial pay and retirement plans must be reviewed annually to attract and retain highly qualified persons. Currently the judicial retirement plan is neither actuarially "funded" nor certified as an IRS "qualified" system.

Lastly, Iowans should salute you for your careful and impressive study of the antiquated support structure and financing of Iowa's courts. The work of your Court Study Joint Subcommittee, composed of five members each from the Senate Judiciary Committee and the House Judiciary and Law Enforcement Committee, commenced in 1979. Our Justice Allbee for the judicial branch, and Wythe Willey succeeded by Nancy Shimanek for the executive branch, were advisory members. Legislative Service Bureau personnel and the judiciary's Joseph Thornton provided staff assistance. Resource Planning Corporation was hired by your committee with federal funds to make a seven-month study. To my knowledge, there never has been such a coordinated attack on a problem by the three branches of state government.

This study is a continuation of your national leadership in court reform. Our unified trial court, intermediate appellate court, Judicial Qualifications Commission, and judicial merit selection and tenure programs are modern reforms that you have made while several other states have struggled and failed. Our progress makes me proud and confident that we will continue to adapt our system to meet new challenges.

The subcommittee work terminated on December 18, 1981, with the approval of a study bill and a "Do Pass" recommendation. The bill is formidable in size only because it reenacts most of the present statutory law. This is for the purpose of reorganizing and bringing into one division of the Iowa Code all the judicial branch laws that are now obscurely scattered through three code volumes.

You will hear much of this proposed legislation this session. It provides a plan to bring the personnel serving the courts into the Judicial Department. It does not, however, provide for those people to be appointed and supervised from Des Moines. The supreme court is committed to the concept of administration through judicial districts. The district chief judge would continue to appoint the district court administrator. The district judges would continue to select their court reporters. Under the bill the district judges would appoint the clerks of court who would hire and supervise their own work force. The judges also would select a chief juvenile probation officer in each district who would hire and supervise the other district officers. Qualifications for these positions would be set by the supreme court, just as we now, pursuant to your statutes, set the qualifications for juvenile probation officers and court administrators.

The study bill proposes a year of preparation followed by a five-year phased-in assumption by the state of that 75 percent of the judicial system cost now paid by the counties. The state would take over at the same rate the counties' share of court-generated revenues. This proposed legislation also picks up from the counties the cost of providing counsel for indigent defendants. Of course, there is a concomitant relief from local real estate taxes.

Under this bill the supreme court would plan for and work toward the transition beginning July 1, 1982. Fiscal year 82-83 would be the "base" fiscal year for determining the cost to counties for operating the trial court system. In fiscal year 83-84, the state would only absorb any growth in court costs above the base year. The phase-in would start picking up 20 percent of county-paid cost in fiscal year 84-85, and the process would be completed in fiscal year 88-89 with a single state budget for the court system.

This coordinated budget approach is designed to provide a more effective and responsible mechanism to the citizens of the state and to the members of the General Assembly for the expression of the financial needs of the judicial branch. Your legislative subcommittee and the supreme court believe increased efficiency and accountability in our state court system will result, together with responsible fiscal oversight by the legislative branch.

The concept undergirding this study bill enjoys broad support. Governor Ray believes state funding of the court system is the way to go and that is too important an issue to be placed on the back burner. The idea has the endorsement of The Association of County Supervisors, The Iowa Clerks of the District Court Association, The Iowa Juvenile Probation Officers Association, The Iowa Judicial Council, The Association of Trial Lawyers of Iowa, The Iowa Judges Association, and recently, the Iowa State Bar Association. This support is recognition that we must renovate our court system to acknowledge the reality that we no longer have ninety-nine separate court jurisdictions in Iowa.

There is no dispute that under this bill the state's share of the judicial system expense ultimately would rise from the present amount, representing six-tenths of one percent of the total state budget, to an estimated two and three-tenths percent of the total state budget. This is also a recession year in which mention of money seems to produce a strong negative reaction, regardless of the merits and long-term economics of the reform proposed. Nonetheless, it must be kept in mind that this bill can be adopted now, with the preparatory period to commence in 1982, or in 1983. The countdown can be started, then stopped to allow time for adjustments or emergencies throughout the six-year period. The crucial consideration is that your three-year effort not be abandoned in the panic of a passing fiscal storm.

I think in these days it would do Iowans good to see this General Assembly make a simple statement of faith in the future: the adoption of a forward-looking plan that rests on confidence in this state, its people, and the serene knowledge that conditions are going to improve. There must be present some trace of the faith our grandfathers had in migrating to these prairies—or the faith Iowa farmers displayed in 1981 when they planted their seed in dry ground.

If you lose your grip on this reform now, it will sink from sight as it has in the past. It likely will not reemerge until all of us are gone from this arena. Like Robert Frost's traveler, we are at the crossroads, we will not be back, and the road we take will make all the difference. Perhaps down the road you choose you might like to tell your children, or grandchildren, that you were there when a creaky branch of government got a major overhaul and was brought, slowly but proudly, into position to face the twenty-first century.

Chief Justice Reynoldson was escorted from the House chamber by the committee previously appointed.

Representative Pope 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 at 11:50 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

BUSINESS PENDING

House File 2171

The Senate resumed consideration of House File 2171 and division S—5120A by Senators Palmer, et al.

Senator Palmer moved the adoption of division S—5120A and requested a record roll call.

On the question "Shall division S—5120A be adopted?" (H.F. 2171) the vote was:

Ayes, 22:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Van Gilst
Wells	Yenger		

Nays, 27:

Baughner	Bisenius	Briles	Carney
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Comito	Craft	DeKoster	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	

Absent or not voting, 1:

Kudart

Division S—5120A lost.

Senator Palmer asked and received unanimous consent to withdraw divisions S—5120B and S—5120C.

Senator Craft offered amendment S—5115 filed by the committee on Ways and Means on February 18, 1982, to pages 1 through 6, 8, 10, 11 and the title page of the bill and called for a division of the amendment as follows:

Division S—5115A: Page 1, lines 3 through 10 and lines 45 through 50; page 2, lines 1 through 17 and lines 35 and 36.

Division S—5115B: Page 1, lines 11 and 12.

Division S—5115C: Page 1, line 13.

Division S—5115D: Page 1, lines 14 and 15.

Division S—5115E: Page 1, lines 16 through 25 and lines 35 through 44; page 2, lines 30 through 32.

Division S—5115F: Page 1, lines 26 through 34; page 2, lines 37 through 41.

Division S—5115G: Page 2, lines 18 through 25.

Division S—5115H: Page 2, lines 26 and 27.

Division S—5115I: Page 2, lines 28 and 29 and lines 33 and 34.

Senator Craft asked and received unanimous consent that action on division S—5115A be deferred.

Senator Craft moved the adoption of division S—5115B, which motion prevailed by a voice vote.

Senator Craft moved the adoption of division S—5115C, which motion prevailed by a voice vote.

Senator Taylor offered amendment S—5118 filed by Senators Taylor, et al., on February 19, 1982, to division S—5115D.

Senator Taylor asked and received unanimous consent that action on amendment S—5118 to division S—5115D be deferred.

Senator Craft asked and received unanimous consent that action on division S—5115D be deferred.

Senator Craft moved the adoption of division S—5115E, which motion prevailed by a voice vote.

Senator Comito asked and received unanimous consent that action on division S—5115F be deferred.

Senator Rush asked and received unanimous consent that action on division S—5115G be deferred.

Senator Craft withdrew amendment S—5123 filed by him from the floor to division S—5115H.

Senator Holden offered amendment S—5128 filed by him from the floor to division S—5115H and moved its adoption.

Amendment S—5128 was adopted by a voice vote.

Senator Craft moved the adoption of division S—5115H as amended, which motion prevailed by a voice vote.

Senator Craft moved the adoption of division S—5115I, which motion prevailed by a voice vote.

Senator Rush offered amendment S—5131 filed by him from the floor to pages 6, 11 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5131 be adopted?" (H.F. 2171) the vote was:

Ayes, 20:

Anderson
Comito

Brown
Deluhery

Carr
Doyle

Coleman
Gallagher

Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Rodgers
Rush	Slater	Small	Wells

Nays, 27:

Baughner	Bisenius	Briles	Carney
Craft	DeKoster	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Lura
Murray	Nystrom	Priebe	Readinger
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Absent or not voting, 3:

Drake	Kudart	Ramsey
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Amendment S—5131 lost.

Senator Anderson offered amendment S—5121 filed by Senators Anderson, et al., on February 19, 1982, to page 6 of the bill.

Action on amendment S—5121 was deferred.

The Senate resumed consideration of division S—5115D and amendment S—5118 to division S—5115D, previously deferred.

Senator Taylor moved the adoption of amendment S—5118 to division S—5115D.

A record roll call was requested.

On the question "Shall amendment S—5118 to division S—5115D be adopted?" (H.F. 2171) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Bisenius	Briles	Carney	Comito
Deluhery	Drake	Dreeszen	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Jensen	Lura
Murray	Nystrom	Ramsey	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Nays, 24:

Anderson	Baughner	Brown	Carr
Coleman	Craft	DeKoster	Doyle
Gallagher	Gentleman	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Readinger	Rodgers	Rush
Slater	Small	Van Gilst	Wells

Absent or not voting, 1:

Kudart

Amendment S—5118 was adopted.

Senator Craft moved the adoption of division S—5115D as amended.

A record roll call was requested.

On the question "Shall division S—5115D as amended be adopted?" (H.F. 2171) the vote was:

Ayes, 33:

Bisenius	Brown	Carney	Craft
DeKoster	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Jensen
Junkins	Lura	Miller, A.V.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, 14:

Anderson	Baughner	Carr	Coleman
Deluhery	Doyle	Gentleman	Hutchins
Kinley	Miller, C.P.	Palmer	Rush
Slater	Wells		

Absent or not voting, 3:

Briles Comito Kudart

Division S—5115D as amended was adopted.

Senator Deluhery offered amendment S—5135 filed by Senators Deluhery and Baugher from the floor to page 6 of the bill.

Senator Deluhery offered amendment S—5140 filed by him from the floor to amendment S—5135 and moved its adoption.

Amendment S—5140 was adopted by a voice vote.

Senator Deluhery moved the adoption of amendment S—5135 as amended and requested a non record roll call.

A record roll call was requested.

On the question “Shall amendment S—5135 as amended be adopted?” (H.F. 2171) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Anderson	Baugher	Brown	Carr
Coleman	Comito	Deluhery	Doyle
Gallagher	Husak	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Rodgers	Rush	Slater
Small	Van Gilst	Wells	Yenger

Nays, 25:

Bisenius	Briles	Carney	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Lura
Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Vande Hoef
Waldstein			

Absent or not voting, 1:

Kudart

Amendment S—5135 as amended lost.

Senator Comito offered amendment S—5137 filed by Senators Comito 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 33.

Amendment S—5137 lost.

Senator Comito offered amendment S—5138 filed by him from the floor to pages 6, 8 and 9 of the bill.

Senator Comtio asked and received unanimous consent that action on amendment S—5138 be deferred.

The Senate resumed consideration of amendment S—5121 by Senators Anderson, et al., previously deferred.

Senator Anderson moved the adoption of amendment S—5121 to page 6 of the bill.

A record roll call was requested.

On the question “Shall amendment S—5121 be adopted?” (H.F. 2171) the vote was:

Ayes, 23:

Anderson	Baughner	Brown	Carr
Coleman	Comito	Deluhery	Doyle
Gallagher	Husak	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Rodgers	Rush	Slater
Small	Van Gilst	Wells	

Nays, 26:

Bisenius	Briles	Carney	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Lura
Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Vande Hoef
Waldstein	Yenger		

Absent or not voting, 1:

Kudart

Amendment S—5121 lost.

Senator Comito withdrew amendment S—5138 to pages 6, 8 and 9 of the bill, previously deferred.

The Senate resumed consideration of division S—5115G, previously deferred.

Senator Craft moved the adoption of division S—5115G, which motion prevailed by a voice vote.

The Senate resumed consideration of division S—5115F, previously deferred.

Senator Comito withdrew amendment S—5136 filed by him from the floor to division S—5115F.

Senator Comito offered amendment S—5139 filed by him from the floor to division S—5115F and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 28.

Amendment S—5139 lost.

Senator Craft moved the adoption of division S—5115F, which motion prevailed by a voice vote.

Senator Small offered amendment S—5133 filed by him from the floor to pages 1, 4, 5, 11 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5133 be adopted?” (H.F. 2171) the vote was:

Ayes, 23:

Anderson	Brown	Carr	Coleman
Comito	Deluhery	Doyle	Gallagher
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rodgers	Rush	Slater	Small
Van Gilst	Wells	Yenger	

Nays, 26:

Baughner	Bisenius	Briles	Carney
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Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Waldstein		

Absent or not voting, 1:

Kudart

Amendment S—5133 lost.

Senator Anderson offered amendment S—5122 filed by Senators Anderson, et al., on February 19, 1982, to pages 4, 6 and 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5122 be adopted?" (H.F. 2171) the vote was:

Ayes, 21:

Anderson	Baughner	Brown	Carr
Coleman	Deluhery	Doyle	Gallagher
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Rodgers
Slater	Small	Van Gilst	Wells
Yenger			

Nays, 28:

Bisenius	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Lura	Murray	Nystrom	Priebe
Ramsey	Readinger	Rush	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein

Absent or not voting, 1:

Kudart

Amendment S—5122 lost.

Senator Readinger asked and received unanimous consent to withdraw amendment S—5127 filed by Senators Readinger and Murray from the floor to pages 4, 6, 11 and the title page of the bill.

Senator Small offered amendment S—5130 filed by him from the floor to pages 4, 6 and 11 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5130 be adopted?” (H.F. 2171) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Anderson	Brown	Carr	Coleman
Comito	Deluhery	Doyle	Gallagher
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rodgers	Rush	Slater	Small
Tieden	Wells	Yenger	

Nays, 25:

Baughner	Bisenius	Briles	Carney
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Vande Hoef
Waldstein			

Absent or not voting, 2:

Kudart	Van Gilst
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Amendment S—5130 lost.

Senator Small offered amendment S—5125 filed by him from the floor to page 5 of the bill.

Senator Craft raised the point of order that amendment S—5125 was out of order because the same subject matter was previously considered in division S—5115F.

The Chair ruled the point well taken and amendment S—5125 out of order.

Senator Small offered amendment S—5124 filed by Senators Small, et al., from the floor to page 6 and the title page of the bill and moved its adoption.

Amendment S—5124 was adopted by a voice vote.

Senator Lura offered amendment S—5126 filed by him from the floor to pages 6 and 11 of the bill.

(House File 2171, division S—5115A and amendment S—5126 pending on adjournment.)

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 18, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2336, a bill for an act relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees.

This bill was read first time and referred to the committee on **Appropriations**.

House File 2344, a bill for an act relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance.

This bill was read first time and **passed on file**.

House File 2348, a bill for an act to permit the board of podiatry examiners to issue a temporary certificate to practice podiatry.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILLS

Senate File 2198, by Bisenius, a bill for an act permitting the board of directors of each school district to charge tuition and transportation costs to each student.

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

Senate File 2199, by Small, a bill for an act prohibiting the refunding of fees by the department of health regarding certain violations of mobile home parks.

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

Senate File 2200, by Hultman, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

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

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2185	Ways and Means
S. F.	2187	Commerce
S. F.	2188	State Government
S. F.	2196	Appropriations
H. F.	2067	State Government
H. F.	2335	Judiciary
H. F.	2337	County Government
H. F.	2338	Judiciary
H. F.	2339	Judiciary

GOVERNOR'S VETO MESSAGE

February 19, 1982

The Honorable Delwyn Stromer
 Speaker of the House
 State Capitol Building
 L O C A L

Dear Madam Secretary:

I am enclosing House File 797, an act relating to the certified eligible list for promotion for city civil service. In accordance with Article III, Section 16, Constitution of the state of Iowa, I hereby disapprove and transmit to the Secretary of State.

House File 797 increases the number of years and names of persons on the firemen civil service certified eligible list for promotion is used from two to three years. While I can understand the motives behind the bill, the consequences of this change in the firemen's certified eligible list warrant my veto.

This bill extends the eligibility time for firemen on a promotional list. Each promotional list is now good for a period of two years. House File 797 extends the effective period for each list to three years. As a result, those firemen on the list who are not selected for promotion after two years are given another year to be considered for promotion.

However, this change is not acceptable for three reasons:

1—This proposed change in the maintenance of the certified eligible list is applied only to firemen and not to all city civil servants. Cities have historically treated all of their civil servants similarly when dealing with certified eligible lists for promotion. I have not heard of any compelling public policy reason why this historical precedent should be broken or why special preference should be given to firemen over all other city employees. To do so would add only unnecessary complexity to the city civil service system.

2—This proposal must be questioned because, while few firemen may benefit from the bill, it could hurt the chances of many firemen for a timely promotion. It will, in some cases, deny meritorious young firemen an opportunity to be promoted as quickly as is possible under the present system. Presently, a newly employed fireman must generally wait at least three years before being tested for placement on the promotion list. As a result, if that fireman joins the department one year after a certified eligible list has been completed, the fireman must now wait three years before being eligible for promotion from the certified list. If the certified eligible lists are retained for three years, as is proposed in this bill, that same fireman would have to wait at least five years before being eligible for certified promotion. This could discourage many young firemen and reduce the incentive to improve their performance in the hope of securing a promotion.

3—House File 797 adversely affects the administration of the cities' fire departments. The three year eligibility list would further restrict the ability of fire department personnel directors to consider recent performance as a measure of an employee's qualifications for promotion. The addition of one year to the certified eligible list ignores the changes in employee performance which take place over time and which must be considered when vacancies allow for promotions. This could cause harm to the operations of the fire department.

If a fireman believes the personnel director is basing promotions from the certified eligible list on improper criteria, that problem can be handled through grievance procedures already established in the city civil service system. It does not call for a change in state law in the fashion proposed in House File 797.

For the above reasons, I hereby disapprove all the provisions of House File 797.

Sincerely,
ROBERT D. RAY
Governor

STUDY BILLS RECEIVED

S.S.B. 2205 Judiciary

Changes the fee which a person authorized to solemnize marriages may charge.

S.S.B. 2206 State Government

Providing the department of general services with the exclusive authority to purchase blanket fidelity bonds in lieu of statutory requirements for individual bonds, for all officers and employees of the state, and permitting the department to cancel and replace the bonds.

S.S.B. 2207 Agriculture

To limit the maximum price of seed corn to fifteen times the market price of corn at the Chicago cash corn market making a penalty applicable.

S.S.B. 2208 Commerce

Relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring notice of changes in motor vehicle fuel type, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas.

S.S.B. 2209 Agriculture

Relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5122 to House File 2171 failed to be adopted by the Senate on February 22, 1982.

BOB RUSH

REPORT OF COMMITTEE MEETING**JUDICIARY**

Convened: February 18, 1982, 12:15 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Carr, Deluhery, Doyle, Dreeszen, Murray, Ramsey, Small and Taylor.

Members Absent: Rush, Ranking Member; Baugher, Coleman and Lura.

Final Bill Action: SENATE FILE 2197 (SSB 2144), a bill for an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: DeKoster, Kudart, Carr, Deluhery, Doyle, Dreeszen, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 4: Rush, Baugher, Coleman and Lura.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:20 p.m.

PETITIONS

The following petitions were presented and placed on file by:

Senator Doyle from twenty-two residents of Monona County opposing legislation which would use IPERS funds for real estate mortgage loans.

Senator Ramsey from two hundred eighty-nine residents of Union County opposing legislation providing a three percent sales tax on cable television.

Senator Craft from fifty-two residents of Scott County favoring legislation for the protection of Iowa Prairie lands.

PRESENTATION OF VISITORS

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

President Branstad welcomed Vern Den Herder of northwest Iowa, who along with his wife, Diane and two children, were present in the Senate chamber as the guests of Senator DeKoster.

Vern, the nephew of the late Elmer Den Herder, former member of the Iowa House of Representatives, is a recent retiree of the Miami Dolphins professional football team. He spoke to the Senate briefly and conveyed that it was great to be back in Iowa where he felt he and his family belonged.

AMENDMENTS FILED

S—5123	H.F.	2171	Rolf V. Craft
S—5124	H.F.	2171	Arthur A. Small, Jr. Lowell L. Junkins C.W. Bill Hutchins Tom Slater James D. Wells Bob Carr Bob Rush Ted Anderson
S—5125	H.F.	2171	Arthur A. Small, Jr.
S—5126	H.F.	2171	Mick Lura
S—5127	H.F.	2171	David M. Readinger John S. Murray
S—5128	H.F.	2171	Edgar H. Holden
S—5129	H.F.	2171	Richard Comito
S—5130	H.F.	2171	Arthur A. Small, Jr.
S—5131	H.F.	2171	Bob Rush
S—5132	H.F.	2171	Dick Ramsey Berl E. Priebe Mick Lura Bass Van Gilst Elvie L. Dreeszen Richard Vande Hoef James E. Briles
S—5133	H.F.	2171	Arthur A. Small, Jr.
S—5134	S. F.	2191	Berl E. Priebe Emil J. Husak
S—5135	H.F.	2171	Patrick J. Deluhery Gary L. Baugher
S—5136	H.F.	2171	Richard Comito
S—5137	H.F.	2171	Richard Comito Bob Carr
S—5138	H.F.	2171	Richard Comito
S—5139	H.F.	2171	Richard Comito
S—5140	H.F.	2171	Patrick J. Deluhery
S—5141	S. F.	2020	James E. Briles
S—5142	S. F.	2153	Arthur A. Small, Jr.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:50 p.m., until 9:00 a.m., Tuesday, February 23, 1982.

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
 TWENTY-NINTH SESSION DAY

Senate Chamber
 Des Moines, Iowa, Tuesday, February 23, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Bob Lanning, pastor of the Bethel Baptist Church, Newell, Iowa.

The Journal of Monday, February 22, 1982, was approved.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 102

By: Committee on County Government

- 1 *Whereas*, over ninety percent of all passenger miles of
 2 travel and over forty percent of all freight movement is by
 3 highway, and while the highway system will continue to be
 4 the primary mover of both people and goods; and
 5 *Whereas*, the costs of building and maintaining highways
 6 have doubled in the last decade, and inflation continues to
 7 diminish the buying power of the highway dollar; and
 8 *Whereas*, revenues from state and federal gasoline taxes
 9 have begun to level off and decline because of more fuel-
 10 efficient automobiles and less driving and the increased use
 11 of tax-exempt alternative fuels, such as gasohol; and
 12 *Whereas*, many of our state highways and bridges have reached
 13 their design life and are in desperate need of repair and
 14 reconstruction; and
 15 *Whereas*, present federal design standards such as those
 16 concerning weight limits for state bridges have impeded the
 17 state's efforts to repair and reconstruct state bridges; *Now*
 18 *Therefore*,
 19 *Be It Resolved by the Senate, the House Concurring*, That
 20 the state of Iowa urges a greater federal funding emphasis
 21 on repair and reconstruction of our bridges and highways;
 22 and
 23 *Be It Further Resolved*, That funding authorizations for
 24 noninterstate highway programs, which include programs for
 25 bridges, should be increased to a level sufficient to offset
 26 inflation; and
 27 *Be It Further Resolved*, That present federal design

28 standards, particularly those involving bridge construction,
29 should be relaxed to permit more efficient utilization of
30 the state's limited program resources without adversely

Page 2

- 1 affecting safety; and
- 2 *Be It Further Resolved*, That the governor of the state
- 3 of Iowa forward certified copies of this resolution to the
- 4 secretary of transportation of the United States.

Read first time and placed on calendar.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

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

The Senate resumed session, Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

UNFINISHED BUSINESS
(Pending February 22, 1982)

House File 2171

The Senate resumed consideration of House File 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, imposing a minimum tax, reducing the deduction for federal taxes from state corporate taxable income, amending certain inheritance tax provisions, making an appropriation, and making certain provisions of the Act

retroactive and making the Act effective upon publication, division S—5115A by the committee on Ways and Means and amendment S—5126 by Senator Lura, pending on February 22, 1982.

President Branstad took the chair at 10:25 a.m.

Senator Ramsey offered amendment S—5132 filed by Senators Ramsey, et al., on February 22, 1982, to division S—5115A and moved its adoption.

On the question "Shall amendment S—5132 to division S—5115A be adopted?" (H.F. 2171) the vote was:

Ayes, 18:

Bisenius	Coleman	Dreeszen	Hester
Hulse	Husak	Jensen	Lura
Miller, A.V.	Priebe	Ramsey	Rodgers
Rush	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein		

Nays, 32:

Anderson	Baugher	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Gallagher	Gentleman	Goodwin	Gratias
Holden	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, C.P.	Murray
Nystrom	Palmer	Readinger	Schwengels
Slater	Small	Wells	Yenger

Amendment S—5132 lost.

Senator Lura offered amendment S—5117 filed by him on February 19, 1982, to division S—5115A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5117 to division S—5115A be adopted?" (H.F. 2171) the vote was:

Ayes, 44:

Baugher	Bisenius	Briles	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Gratias
Hester	Holden	Hulse	Hultman

Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 4:

Anderson	Brown	Palmer	Slater
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Absent or not voting, 2:

Goodwin	Small
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Amendment S—5117 was adopted.

Senator Rodgers offered amendment S—5144 filed by him from the floor to division S—5115A.

Senator Ramsey asked and received unanimous consent that action on amendment S—5144 to division S—5115A be deferred.

Action on division S—5115A, as amended, was temporarily deferred.

Senator Lura asked and received unanimous consent to withdraw amendment S—5126 to pages 6 and 11 of the bill, deferred on February 22, 1982.

Senator Hutchins asked and received unanimous consent that action on amendment S—5143 filed by him from the floor to pages 6 through 8 of the bill be deferred.

Senator Van Gilst offered amendment S—5145 filed by him from the floor to pages 1 and 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5145 be adopted?" (H.F. 2171) the vote was:

Ayes, 22:

Bisenius	Coleman	Doyle	Dreeszen
Hester	Hulse	Husak	Hutchins
Jensen	Junkins	Lura	Miller, A.V.
Miller, C.P.	Priebe	Ramsey	Rodgers

Rush
Van Gilst

Taylor
Wells

Tieden

Vande Hoef

Nays, 27:

Anderson
Carr
Deluhery
Goodwin
Kinley
Palmer
Small

Baughner
Comito
Drake
Gratias
Kudart
Readinger
Waldstein

Brown
Craft
Gallagher
Holden
Murray
Schwengels
Yenger

Carney
DeKoster
Gentleman
Hultman
Nystrom
Slater

Absent or not voting, 1:

Briles

Amendment S—5145 lost.

(House File 2171 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

BUSINESS PENDING

House File 2171

The Senate resumed consideration of House File 2171, division S—5115A as amended, amendment S—5144 to division S—5115A and amendment S—5143, pending on recess.

President Branstad took the chair at 1:20 p.m.

Senator Small offered amendment S—5147 filed by him from the floor to pages 6 and 11 of the bill.

Senator Craft raised the point of order that amendment S—5147 was out of order because the same subject matter had previously been considered in division S—5115F.

The Chair ruled the point not well taken and amendment S—5147 in order.

Senator Nystrom took the chair at 1:27 p.m.

Senator Small moved the adoption of amendment S—5147.

A record roll call was requested.

On the question "Shall amendment S—5147 be adopted?" (H.F. 2171) the vote was:

Ayes, 18:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Rodgers	Rush	Slater
Small	Wells		

Nays, 31:

Baughner	Bisenius	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Lura	Murray
Nystrom	Priebe	Ramsey	Readinger
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Absent or not voting, 1:

Briles

Amendment S—5147 lost.

Senator Rush withdrew the motion to reconsider the vote by which amendment S—5122 to House File 2171 failed to be adopted by the Senate on February 22, 1982, filed by him on February 22, 1982, and found on page 476 of the Senate Journal.

Senator Lura offered amendment S—5148 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—5148 be adopted?" (H.F. 2171) the vote was:

Ayes, 22:

Anderson	Briles	Brown	Carr
Coleman	Comito	Doyle	Gratias
Husak	Hutchins	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Priebe
Ramsey	Rodgers	Slater	Taylor
Wells	Yenger		

Nays, 28:

Baughner	Bisenius	Carney	Craft
DeKoster	Deluhery	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Murray	Nystrom	Palmer
Readinger	Rush	Schwengels	Small
Tieden	Vande Hoef	Van Gilst	Waldstein

Amendment S—5148 lost.

President Branstad took the chair at 1:50 p.m.

Senator Hutchins withdrew amendment S—5143 to pages 6, 7 and 8 of the bill, previously deferred.

Senator Hutchins offered amendment S—5146 filed by him from the floor to pages 6, 7 and 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5146 be adopted?" (H.F. 2171) the vote was:

Ayes, 22:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Dreeszen	Gallagher
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe

Rodgers	Rush	Slater	Small
Van Gilst	Wells		

Nays, 28:

Baughner	Bisenius	Briles	Carney
Cornito	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Amendment S—5146 lost.

The Senate resumed consideration of division S—5115A, as amended, by the committee on Ways and Means and amendment S—5144 by Senator Rodgers to division S—5115A, previously deferred.

Senator Rodgers moved the adoption of amendment S—5144.

A record roll call was requested.

On the question "Shall amendment S—5144 to division S—5115A be adopted?" (H.F. 2171) the vote was:

Ayes, 15:

Coleman	Doyle	Dreeszen	Husak
Hutchins	Junkins	Lura	Miller, A.V.
Miller, C.P.	Priebe	Ramsey	Rodgers
Vande Hoef	Van Gilst	Wells	

Nays, 35:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Cornito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Murray
Nystrom	Palmer	Readinger	Rush
Schwengels	Slater	Small	Taylor
Tieden	Waldstein	Yenger	

Amendment S—5144 lost.

Senator Ramsey offered amendment S—5149 filed by him from the floor to division S—5115A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5149 to division S—5115A be adopted?" (H.F. 2171) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bisenius	Briles	Brown	Coleman
Comito	Doyle	Drake	Dreeszen
Hester	Hulse	Husak	Hutchins
Jensen	Junkins	Lura	Miller, A.V.
Miller, C.P.	Priebe	Ramsey	Rodgers
Taylor	Tieden	Vande Hoef	Van Gilst

Nays, 26:

Anderson	Baughner	Carney	Carr
Craft	DeKoster	Deluhery	Gallagher
Gentleman	Goodwin	Gratias	Holden
Hultman	Kinley	Kudart	Murray
Nystrom	Palmer	Readinger	Rush
Schwengels	Slater	Small	Waldstein
Wells	Yenger		

Amendment S—5149 lost.

Senator Craft moved the adoption of division S—5115A, as amended, which motion prevailed by a voice vote.

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

The Senate resumed session, President Branstad presiding.

BUSINESS PENDING

The Senate resumed consideration of House File 2171.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2171) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Baughner	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Lura	Murray
Nystrom	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Nays, 22:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Ramsey
Rodgers	Rush	Slater	Small
Van Gilst	Wells		

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 that **House File 2171** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 19, 1982, concurred in Senate amendment to House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 399, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

ALSO: That the House has on February 19, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 2080, a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed and making certain provisions.

ALSO: That the House has on February 19, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2142, a bill for an act exempting animal shelters from complying with requests by authorized institutions for dogs for use in scientific research.

This bill was read first time and passed on file.

APPENDIX

STUDY BILLS RECEIVED

S.S.B. 2210 Transportation

To authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

S.S.B. 2211 Appropriations

Making a supplemental appropriation and relating to the use and transfer of funds by the department of justice and the state historical society.

S.S.B. 2212 Human Resources

Extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department; and providing for four types of licenses.

FURTHER REPORT OF COMMITTEE MEETING

COUNTY GOVERNMENT*

*A previous report of this meeting was recorded on page 379 of the Senate Journal.

Final Bill Action: SENATE CONCURRENT RESOLUTION 102, a resolution calling for increased funding for highway programs.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 8: Briles, Wells, Brown, Goodwin, Hester, C. Miller, Vande Hoef and Yenger. Nays, 1: Waldstein. Absent or not voting, 1: Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

AMENDMENTS FILED

S—5143	H.F.	2171	C.W. Bill Hutchins
S—5144	H.F.	2171	Norman Rodgers

S—5145	H.F.	2171	Bass Van Gilst
S—5146	H.F.	2171	C.W. Bill Hutchins
S—5147	H.F.	2171	Arthur A. Small, Jr.
S—5148	H.F.	2171	Mick Lura
S—5149	H.F.	2171	Dick Ramsey

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2198	Education
S. F.	2199	State Government
S. F.	2200	Natural Resources
H.F.	2344	Judiciary
H.F.	2348	State Government

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:05 p.m., until 9:00 a.m., Wednesday, February 24, 1982.

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 24, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by Greg Watson, House Page, Glidden, Iowa.

The Journal of Tuesday, February 23, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dale Christensen, M.D., Lake City, Iowa.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 22, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2353, a bill for an act to establish a regulatory information service in the Iowa development commission.

This bill was read first time and passed on file.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rush for the remainder of the week on request of Senator Hutchins.

RECESS

On motion of Senator Hultman, the Senate recessed at 9:20 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

APPENDIX**COMMUNICATION**

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

BUREAU OF LABOR

A copy of the Biennial Report of the Iowa Bureau of Labor for the years 1979 and 1980 containing descriptions and statistical summaries of its varied activities and services to the workers and employers of the State of Iowa.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

H.F. 2142 County Government

STUDY BILLS RECEIVED**S.S.B. 2213 Social Services Appropriations Subcommittee**

Relating to appropriations for fiscal year beginning July 1, 1981, and ending June 30, 1982, to the department of social services for certain programs and services.

S.S.B. 2214 Natural Resources

Relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

S.S.B. 2215 Judiciary

Relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation.

S.S.B. 2216 State Government

Relating to audits of licensed substance abuse programs conducted by the auditor of state.

REPORTS OF COMMITTEE MEETINGS**CITIES**

Convened: February 24, 1982, 3:10 p.m.

Members Present: Readinger, Chair; Comito, Vice Chair; A. Miller, Ranking Member; Carney, Holden, Slater, Waldstein and Wells.

Members Absent: Kinley (excused).

Final Bill Action: HOUSE FILE 759, a bill for an act relating to the number of years city records are required to be kept.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Readinger, Comito, A. Miller, Carney, Holden, Slater, Waldstein and Wells. Nays, none. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Present from Keokuk, Iowa, were Mack Law, Mayor; Ray Dennis, Councilman; Dave Sperry, City Planner and Jack Finerty, City Clerk.

Adjourned: 3:15 p.m.

COMMERCE

Convened: February 24, 1982, 8:00 a.m.

Members Present: Holden, Chair; Deluhery, Ranking Member (arrived 8:25 a.m.); Comito, Craft, DeKoster (arrived 8:10 a.m.), Jensen, Husak and Priebe.

Members Absent: Baugher, Vice Chair and Rush.

Other Committee Business: Assigned bills to subcommittees; discussed SSBs 2040, 2097, 2157 and 2181 and ordered redrafted as committee bills.

Adjourned: 9:00 a.m.

HUMAN RESOURCES

Convened: February 24, 1982, 9:28 a.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member; Carr (arrived 9:40 a.m.), Coleman, Grattias, Hulse, A. Miller, Slater and Vande Hoef.

Members Absent: Drake and Nystrom.

Other Committee Business: Discussed SSB 2202; assigned bills to subcommittees.

Adjourned: 9:45 a.m.

JUDICIARY

Convened: February 23, 1982, 4:15 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: Rush, Ranking Member (excused).

Final Bill Action: HOUSE FILE 2240, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under Chapter 229.

Recommendation: DO PASS.

Final Vote: Ayes, 13: DeKoster, Kudart, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 1: Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 5:20 p.m.

JUDICIARY

Convened: February 24, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Baugher, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor.

Members Absent: Rush, Ranking Member (excused), Carr and Murray.

Final Bill Action: HOUSE FILE 777, a bill for an act relating to assignments of instruments and accounts.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5151.

Final Vote: Ayes, 10: DeKoster, Kudart, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 4: Rush, Baugher, Carr and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2003, a bill for an act to legalize the sale of certain property in Rolfe, Pocahontas County, Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Kudart, Baugher, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, 1: DeKoster. Absent or not voting, 3: Rush, Murray and Carr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

NATURAL RESOURCES

Convened: February 24, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers.

Members Absent: none.

Final Bill Action: SENATE FILE 2037, a bill for an act to require a bond from a person who provides a handling service for a dealer or a person operating a redemption center and to provide a penalty for violations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5150.

Final Vote: Ayes, 9: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:00 a.m.

AMENDMENTS FILED

S—5150	S. F.	2037	Natural Resources
S—5151	H.F.	777	Judiciary Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:03 p.m., until 9:00 a.m., Thursday, February 25, 1982.

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 25, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by Father Thomas Hart, pastor of the St. Mary's Catholic Church, Storm Lake, Iowa.

The Journal of Wednesday, February 24, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patricia Connell, M.D., Waterloo, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Tieden for the day and Senator Schwengels for today and February 26, 1982, on request of Senator Nystrom.

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

The President of the Senate announced on February 24, 1982, the following Senators as the official delegation to the funeral services of the Honorable Kenneth Miller, Representative from Buchanan County on February 26, 1982:

Senators Gallagher, Wells, Doyle and Husak.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 23, 1982, receded from House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 213, a bill for an act relating to the members of the Iowa beer and liquor control council.

ALSO: That the House has on February 23, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 809, a bill for an act relating to conservation easements.

This bill was read first time and **passed on file**.

House File 2059, a bill for an act relating to motor fuel tests.

This bill was read first time and **passed on file**.

House File 2158, a bill for an act relating to the collection of filing and docketing fees for indictments or informations.

This bill was read first time and **passed on file**.

House File 2340, a bill for an act to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations.

This bill was read first time and **passed on file**.

House File 2349, a bill for an act relating to the definition of adjusted gross estate.

This bill was read first time and **passed on file**.

House File 2351, a bill for an act relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks, certain terraces and open prairies and increasing the assessed value of fruit-tree and forest reservations.

This bill was read first time and **passed on file**.

House File 2359, a bill for an act making records of court ordered support payments public records.

This bill was read first time and **passed on file**.

RECESS

On motion of Senator Nystrom, the Senate recessed at 9:20 a.m., until 10:00 a.m.

RECONVENED

The Senate reconvened at 10:00 a.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

**CONSIDERATION OF BILL
(Ways and Means Calendar)**

Senator Hultman asked and received unanimous consent to take up out of order House File 855.

House File 855

On motion of Senator Craft, House File 855, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter, with report of committee recommending passage, was taken up for consideration.

Senator Drake offered amendment S—5156 filed by Senators Drake, et al., from the floor to page 1 of the bill and moved its adoption.

Amendment S—5156 was adopted by a voice vote.

Senator Husak took the chair at 11:15 a.m.

Senator Murray asked unanimous consent that action on House File 855 be deferred.

Senator Murray withdrew his request.

(House File 855 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 11:58 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 23, 1982, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 823, a bill for an act relating to the requirements for giving a notice to cure in a consumer credit transaction.

House File 829, a bill for an act relating to the investigations, communications and reports of the citizens' aide office.

INTRODUCTION OF BILLS

Senate File 2201, by Committee on Transportation, a bill for an act to authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

Read first time and placed on calendar.

Senate File 2202, by Committee on Judiciary, a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties.

Read first time and placed on calendar.

Senate File 2203, by Committee on Appropriations, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

Read first time and placed on calendar.

Senate File 2204, by Committee on Judiciary, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis.

Read first time and placed on calendar.

Senate File 2205, by Committee on Commerce, a bill for an act relating to the regulation of insurance companies to the extent of amending Code section 515.34, 515.35, 515B.5, 521A.2, and 521A.3 to provide for the regulation of the investments of insurance companies other than life insurance companies, to modify the maximum liability of the Iowa insurance guaranty association, and to strike certain provisions regulating insurance holding companies.

Read first time and placed on calendar.

Senate File 2206, by Committee on Agriculture, a bill for an act relating to the regulation of persons engaged in the marketing or leasing of livestock, and providing civil remedies and civil penalties.

Read first time and placed on calendar.

Senate File 2207, by Committee on State Government, a bill for an act creating a commission to appoint the state appellate defender.

Read first time and placed on calendar.

Senate File 2208, by Committee on Commerce, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies.

Read first time and placed on calendar.

WITHDRAWN

Senator Anderson asked and received unanimous consent that **Senate File 465** be withdrawn from further consideration of the Senate.

BUSINESS PENDING

House File 855

The Senate resumed consideration of House File 855, pending on recess.

Senator Small offered amendment S—5159 filed by him from the floor to strike everything after the enacting clause of the bill.

Senator Drake raised the point of order that amendment S—5159 was out of order.

The Chair ruled that in order to consider an amendment that would strike everything after the enacting clause of the bill, the Senate would have to reconsider amendment S—5156 previously adopted by the Senate; therefore, amendment S—5159 was out of order.

Senator Small asked unanimous consent to reconsider the vote by which amendment S—5156 was adopted by the Senate on February 25, 1982.

Objection was raised by Senator Drake.

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 amendment S—5156 to House File 855 was adopted by the Senate on February 25, 1982.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 855) the vote was:

Ayes, 17:

Anderson
Deluhery
Junkins
Murray
Small

Brown
Doyle
Kinley
Palmer

Coleman
Gallagher
Kudart
Readinger

DeKoster
Gentleman
Miller, C.P.
Rodgers

Nays, 29:

Baughner

Briles

Carney

Carr

Comito	Craft	Drake	Dreeszen
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Lura	Miller, A.V.	Nystrom
Priebe	Ramsey	Slater	Taylor
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Absent or not voting, 4:

Bisenius	Rush	Schwengels	Tieden
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The motion lost.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 855) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 33:

Baughner	Briles	Carney	Carr
Craft	Deluhery	Doyle	Drake
Dreeszen	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Priebe
Ramsey	Rodgers	Slater	Taylor
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 12:

Anderson	Brown	Coleman	DeKoster
Gallagher	Gentleman	Kinley	Kudart
Murray	Palmer	Readinger	Small

Absent or not voting, 5:

Bisenius	Comito	Rush	Schwengels
Tieden			

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 that House File 855 be immediately messaged to the House.

Objection was raised by Senator Small.

Senator Hultman withdrew his request.

APPENDIX

STUDY BILLS RECEIVED

S.S.B. 2217 Ways and Means

Relating to property valuations as stated in Sections 441.2, 427.1, 445.45, 441.16, and 441.22, Code of Iowa.

S.S.B. 2218 Ways and Means

Property tax rollback for Sioux City.

S.S.B. 2219 Energy

Relating to used motor oil recycling, requiring certain collection facilities, the posting of notices, and providing a penalty.

S.S.B. 2220 Agriculture

Requiring livestock marketing agencies to keep records identifying sellers and buyers of livestock and to make these records available to law enforcement agencies upon request, and providing a penalty.

S.S.B. 2221 Agriculture

Requiring licensed grain dealers to keep records of all purchased grain containing confetti or other markings.

S.S.B. 2222 Agriculture

Relating to animal welfare.

S.S.B. 2223 Education

To authorize the establishment of nonprofit foundations by the boards of area schools.

S.S.B. 2224 Education

To continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

PROOF OF PUBLICATION

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

FURTHER
REPORTS OF COMMITTEE MEETINGS

COMMERCE*

*A previous report of this meeting was recorded on page 495 of the Senate Journal.

Final Bill Action: SENATE FILE 2205 (SSB 2040), a bill for an act relating to the regulation of insurance companies to the extent of amending Code sections 515.34, 515.35, 515B.5, 521A.2, and 521A.3 to provide for the regulation of the investments of insurance companies other than life insurance companies, to modify the maximum liability of the Iowa insurance guaranty association, and to strike certain provisions regulating insurance holding companies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Holden, Deluhery, Comito, Craft, DeKoster, Husak, Jensen and Priebe. Nays, none. Absent or not voting, 2: Baugher and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2208 (SSB 2181), a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Holden, Comito, Craft, DeKoster, Husak, Jensen and Priebe. Nays, none. Absent or not voting, 3: Baugher, Deluhery and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

JUDICIARY*

*A previous report of this meeting was recorded on page 496 of the Senate Journal.

Final Bill Action: SENATE FILE 2202 (SSB 2092), a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: DeKoster, Kudart, Baugher, Doyle, Dreeszen, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 5: Carr, Coleman, Deluhery, Lura and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2204 (SSB 2057), a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Baugher, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 3: Rush, Murray and Carr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 23, 1982, 8:04 a.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Dreeszen, Hulse, Husak, C. Miller, Vande Hoef, Van Gilst and Waldstein.

Members Absent: none.

Final Bill Action: SENATE FILE 2206 (SSB 2066), a bill for an act relating to the regulation of persons engaged in the marketing or leasing of livestock and providing civil remedies and civil penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Taylor, Hester, Dreeszen, Hulse, Vande Hoef and Waldstein. Nays, 3: Hutchins, Husak and C. Miller. Absent or not voting, 1: Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; approved SSB 2105 and ordered redrafted as a committee bill.

Adjourned: 9:05 a.m.

APPROPRIATIONS

Convened: February 24, 1982, 11:05 a.m.

Members Present: Murray, Chair; Tieden, Vice Chair; Palmer, Ranking Member; Anderson, Baugher, Carr, Deluhery, Hultman (arrived 11:12 a.m.), Jensen, Schwengels, Slater (arrived 11:10 a.m.), Small (arrived 11:25 a.m.), Van Gilst, Waldstein and Yenger.

Members Absent: Bisenius, Junkins, Rush (all excused) and Ramsey.

Final Bill Action: SENATE FILE 2203 (SSB 2199), a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Schwengels, Slater, Small, Van Gilst and Yenger. Nays, 1: Waldstein. Absent or not voting, 4: Bisenius, Junkins, Ramsey and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2336, a bill for an act relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5152.

Final Vote: Ayes, 15: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 4: Bisenius, Junkins, Ramsey and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:03 p.m.

COUNTY GOVERNMENT

Convened: February 25, 1982, 9:15 a.m.

Members Present: Briles, Chair; Waldstein, Vice Chair, Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger.

Members Absent: none.

Final Bill Action: HOUSE FILE 2224, a bill for an act relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 9:50 a.m.

STATE GOVERNMENT

Convened: February 24, 1982, 4:08 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Tieden.

Members Absent: Carr, Schwengels (both excused) and Palmer.

Final Bill Action: SENATE FILE 2207, a bill for an act creating a commission to appoint the state appellate defender.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Nystrom, Lura, Slater, Briles, Drake, Gentleman, C. Miller and Tieden. Nays, 3: Craft, Gallagher and Hutchins. Absent or not voting, 3: Carr, Palmer and Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2067, a bill for an act to change the procedures relating to failure to renew a license issued by the board of accountancy.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Lura, Slater, Briles, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Tieden. Nays, none. Absent or not voting, 4: Carr, Craft, Palmer and Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2348, a bill for an act to permit the board of podiatry examiners to issue a temporary certificate to practice podiatry.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Lura, Slater, Briles, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Tieden. Nays, none. Absent or not voting, 3: Palmer, Carr and Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; approved Senate File 2093 and SSBs 2154 and 2195 and ordered redrafted as committee bills.

Adjourned: 4:33 p.m.

STATE GOVERNMENT

Convened: February 25, 1982, 3:05 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Palmer.

Members Absent: Schwengels and Tieden (both excused).

Final Bill Action: SENATE FILE 2109, a bill for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5160.

Final Vote: Ayes, 12: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Palmer. Nays, none. Absent or not voting, 2: Schwengels and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2131, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Palmer. Nays, none. Absent or not voting, 2: Schwengels and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; amended and approved SSB 2016 and SSB 2109 as committee bills; SSB 2180 approved as a committee bill.

Adjourned: 3:40 p.m.

TRANSPORTATION

Convened: February 24, 1982, 10:10 a.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Comito (arrived 10:19 a.m.), Doyle, Hutchins and A. Miller.

Members Absent: Bisenius, Murray and Nystrom.

Final Bill Action: SENATE FILE 2201 (SSB 2210), a bill for an act to authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Drake, Jensen, Coleman, Doyle, Hutchins and A. Miller. Nays, none. Absent or not voting, 4: Comito, Bisenius, Murray and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 10:30 a.m.

WAYS AND MEANS

Convened: February 25, 1982, 1:37 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst.

Members Absent: Hultman, Junkins and Rush.

Final Bill Action: HOUSE FILE 469, a bill for an act relating to the audit and certification of claims for the personal property tax credit.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Junkins and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 505, a bill for an act to remove the requirement that assessors itemize individual names and legal descriptions in their annual reports of exempt property to the department of revenue.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Craft, Rodgers, Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst. Nays, none. Voting present, 1: Readinger. Absent or not voting, 3: Hultman, Junkins and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 833, a bill for an act changing the beginning and ending dates of the Vietnam Conflict for purposes of the military service property tax exemption.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Junkins and Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:22 p.m.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

H.F. 2353 State Government

AMENDMENTS FILED

S-5152	H.F.	2336	Appropriations Committee
S-5153	S.F.	2150	A.R. Bud Kudart
S-5154	S.F.	2152	A.R. Bud Kudart Lucas J. DeKoster
S-5155	H.F.	2250	Richard Comito
S-5156	H.F.	855	Richard F. Drake Berl E. Priebe Edgar H. Holden Rolf V. Craft Calvin O. Hultman Lowell L. Junkins
S-5157	H.F.	2250	James V. Gallagher
S-5158	S.F.	2098	Richard Vande Hoef Emil J. Husak Sue Yenger
S-5159	H.F.	855	Arthur A. Small, Jr.
S-5160	S.F.	2109	State Government

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:08 p.m., until 9:00 a.m., Friday, February 26, 1982.

JOURNAL OF THE SENATE

FORTY-SEVENTH CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 26, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Honorable Clarence Carney, member of the Senate from Woodbury County, Sioux City, Iowa.

The Journal of Thursday, February 25, 1982, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bisenius, Taylor, Schwengels and Murray for the day on request of Senator Hultman; Senators Wells, Husak and Gallagher for the day on request of Senator Junkins.

INTRODUCTION OF BILLS

Senate File 2209, by Committee on Judiciary, a bill for an act relating to the time limitation for the administration of an estate including documentation of title.

Read first time and placed on calendar.

Senate File 2210, by Committee on Labor and Industrial Relations, a bill for an act relating to the enforcement of the Iowa state elevator code, and providing a civil penalty.

Read first time and placed on calendar.

Senate File 2211, by Ramsey, a bill for an act relating to the licensing of schools to conduct games of skill, games of chance, bingo, and raffles.

Read first time and passed on file.

UNFINISHED BUSINESS
(Deferred February 17, 1982)

Senate File 2146

The Senate resumed consideration of Senate File 2146, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication, deferred on February 17, 1982.

Senator Gratias moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2146) the vote was:

Ayes, 38:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rodgers
Slater	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, 1:

Holden

Absent or not voting, 11:

Bisenius	Gallagher	Husak	Kinley
Murray	Ramsey	Rush	Schwengels
Small	Taylor	Wells	

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2190.

Senate File 2190

On motion of Senator Lura, Senate File 2190, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and

ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities, was taken up for consideration.

Senator Lura moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2190) the vote was:

Ayes, 41:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Slater
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 9:

Bisenius	Gallagher	Husak	Murray
Rush	Schwengels	Small	Taylor
Wells			

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 2155.

Senate File 2155

On motion of Senator Slater, Senate File 2155, a bill for an act relating to the requirements for certification as an ophthalmic dispenser, was take up for consideration.

Senator Slater moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2155) the vote was:

Ayes, 40:

Baughner	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Slater	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, 1:

Small

Absent or not voting, 9:

Anderson	Bisenius	Gallagher	Husak
Murray	Rush	Schwengels	Taylor
Wells			

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

Senate File 2156

On motion of Senator Kudart, Senate File 2156, a bill for an act relating to the issuance of certificates of title by the clerk of the district court, was taken up for consideration.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2156) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito

Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Slater
Small	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 8:

Bisenius	Gallagher	Husak	Murray
Rush	Schwengels	Taylor	Wells

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

Senate File 2157

On motion of Senator Miller of Cerro Gordo, Senate File 2157, a bill for an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit, was taken up for consideration.

Senator Gratias offered amendment S—5101 filed by him on February 16, 1982, to page 1 and the title page of the bill.

Senator Junkins raised the point of order that amendment S—5101 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5101 in order.

Senator Gentleman took the chair at 9:50 a.m.

Senator Gratias moved the adoption of amendment S—5101.

A record roll call was requested.

On the question "Shall amendment S—5101 be adopted?" (S.F. 2157) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Anderson	Briles	Brown	Carney
Coleman	Craft	Doyle	Dreeszen
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Ramsey	Tieden	Vande Hoef	Yenger

Nays, 21:

Carr	Comito	DeKoster	Deluhery
Drake	Gentleman	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rodgers	Slater	Small	Van Gilst
Waldstein			

Voting present, 1:

Baugher

Absent or not voting, 8:

Bisenius	Gallagher	Husak	Murray
Rush	Schwengels	Taylor	Wells

Amendment S—5101 lost.

Senator Miller of Cerro Gordo moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2157) the vote was:

Ayes, 40:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Slater	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, none.

Voting present, 1:

Baughner

Absent or not voting, 9:

Bisenius	Gallagher	Husak	Hutchins
Murray	Rush	Schwengels	Taylor
Wells			

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 2163.

Senate File 2163

On motion of Senator Baughner, Senate File 2163, a bill for an act relating to the performance of unpaid community service by defendants convicted of crimes, was taken up for consideration.

Senator Baughner moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2163) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Slater
Small	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 8:

Bisenius	Gallagher	Husak	Murray
Rush	Schwengels	Taylor	Wells

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

Senate File 2165

On motion of Senator Jensen, Senate File 2165, a bill for an act to authorize educational agencies to purchase custodial accounts for their employees, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2165) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Slater	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 10:

Bisenius	Coleman	Craft	Gallagher
Husak	Murray	Rush	Schwengels
Taylor	Wells		

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 10:12 a.m.

Senate File 2167

On motion of Senator Goodwin, Senate File 2167, a bill for an act to update references to the federal Water Pollution Control Act in Chapter 455B, was taken up for consideration.

Senator Goodwin moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2167) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Slater
Small	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, none.

Absent or not voting, 8:

Bisenius	Gallagher	Husak	Murray
Rush	Schwengels	Taylor	Wells

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 Carr for the remainder of the day on request of Senator Junkins.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2067.

On motion of Senator DeKoster, Senate File 2067, a bill for an act relating to transfers of funds by area schools, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2067) the vote was:

Ayes, 39:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Cornito	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Slater	Small	Tieden
Van Gilst	Waldstein	Yenger	

Nays, none.

Absent or not voting, 11:

Bisenius	Carr	Craft	Gallagher
Husak	Murray	Rush	Schwengels
Taylor	Vande Hoef	Wells	

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 DeKoster, Senate File 2118, a bill for an act allowing spouses of school board members to receive up to two thousand dollars compensation in a fiscal year from the school board, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gratias offered amendment S—5095 filed by the committee on Education on February 11, 1982, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5095 was adopted by a voice vote.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2118) the vote was:

Ayes, 31:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Comito	DeKoster
Doyle	Drake	Dreeszen	Goodwin
Gratias	Hester	Holden	Hultman
Hutchins	Junkins	Kinley	Kudart
Lura	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Slater	Small
Tieden	Van Gilst	Yenger	

Nays, 9:

Deluhery	Gentleman	Hulse	Jensen
Miller, A.V.	Miller, C.P.	Priebe	Vande Hoef
Waldstein			

Absent or not voting, 10:

Bisenius	Carr	Craft	Gallagher
Husak	Murray	Rush	Schwengels
Taylor	Wells		

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

Senate File 2120

On motion of Senator Gratias, Senate File 2120, a bill for an act relating to the amount of land owned by a merged area, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2120) the vote was:

Ayes, 34:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Comito	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Gratias	Hulse	Hultman
Hutchins	Jensen	Junkins	Kudart

Lura	Miller, A.V.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Slater	Small	Tieden	Van Gilst
Waldstein	Yenger		

Nays, 6:

Goodwin	Hester	Holden	Kinley
Miller, C.P.	Vande Hoef		

Absent or not voting, 10:

Bisenius	Carr	Craft	Gallagher
Husak	Murray	Rush	Schwengels
Taylor	Wells		

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

Senate File 430

On motion of Senator Brown, Senate File 430, a bill for an act relating to the minimum age for school attendance, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **Senate File 430** be deferred.

Senate File 2175

On motion of Senator Drake, Senate File 2175, a bill for an act revising the Iowa code of military justice including providing penalties, was taken up for consideration.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2175) the vote was:

Ayes, 38:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Comito	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart

Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Slater	Tieden	Vande Hoef
Van Gilst	Yenger		

Nays, 1:

Small

Absent or not voting, 11:

Bisenius	Carr	Craft	Gallagher
Husak	Murray	Rush	Schwengels
Taylor	Waldstein	Wells	

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 2212, by Committee on Commerce, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter.

Read first time and placed on calendar.

Senate File 2213, by Committee on County Government, a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district.

Read first time and placed on calendar.

Senate File 2214, by Committee on State Government, a bill for an act relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E.

Read first time and placed on calendar.

Senate File 2215, by Committee on State Government, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement.

Read first time and placed on calendar.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2001

Appropriations
Hultman, Chair
Murray
Slater

SENATE FILE 2114

County Government
Hester, Chair
Goodwin
Wells

SENATE FILE 2170

County Government
Vande Hoef, Chair
Goodwin
Priebe

SENATE FILE 2177

State Government
Carr, Chair
Gentleman
Craft

SENATE FILE 2188

State Government
Nystrom, Chair
Schwengels
Slater

SENATE FILE 2191

Appropriations
Jensen, Chair
Rush
Gratias
Hulse
C. Miller

SENATE FILE 2199

State Government
Nystrom, Chair
Schwengels
Slater

SENATE FILE 2096

Education
Jensen, Chair
Wells
Dreeszen

SENATE FILE 2140

Agriculture
Hester, Chair
Van Gilst
Dreeszen

SENATE FILE 2173

Appropriations
Murray, Chair
Palmer
Hultman
Jensen
Slater

SENATE FILE 2187

Commerce
Baugher, Chair
DeKoster
Deluhery

SENATE FILE 2189

Appropriations
Tieden, Chair
Priebe
Goodwin
Hester
Gallagher

SENATE FILE 2196

Appropriations
Carney, Chair
Van Gilst
Dreeszen
Nystrom
Hutchins

HOUSE FILE 2067

State Government
Lura, Chair
Schwengels
Hutchins

HOUSE FILE 2337

County Government
Yenger, Chair
Vande Hoef
Wells

HOUSE FILE 2339

Judiciary
Kudart, Chair
Rush
Small

HOUSE FILE 2348

State Government
Tieden, Chair
Briles
Palmer

SSB 2201

Labor and Industrial Relations
Goodwin, Chair
Hulse
Wells

SSB 2203

Energy
Yenger, Chair
Briles
Anderson

SSB 2205

Judiciary
Coleman, Chair
Lura
Doyle

SSB 2207

Agriculture
Husak, Chair
Hulse
Hester

SSB 2209

Agriculture
Dreeszen, Chair
Hulse
Husak

HOUSE FILE 2338

Judiciary
Ramsey, Chair
Rush
Small

HOUSE FILE 2344

Judiciary
Deluhery, Chair
Small
Ramsey

SSB 2200

State Government
Nystrom, Chair
Schwengels
Palmer

SSB 2202

Human Resources
Gratias, Chair
C. Miller
Drake

SSB 2204

Energy
Kudart, Chair
Yenger
Rodgers

SSB 2206

State Government
Nystrom, Chair
Schwengels
Slater

SSB 2208

Commerce
Baugher, Chair
Jensen
Rush

SSB 2210

Transportation
Drake, Chair
Jensen
Coleman

SSB 2212

Human Resources
Gentleman, Chair
Yenger
Slater

SSB 2215

Judiciary
DeKoster, Chair
Dreeszen
Coleman
Rush
Kudart

SSB 2216

State Government
Drake, Chair
Schwengels
Palmer

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of February, 1982:

Senate Files 474, 494, 574 and 2126.

K. MARIE THAYER
Secretary of the Senate

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 474, the following technical correction was made:

1. Page 2, line 31, "ommission" was changed to "omission".

K. MARIE THAYER
Secretary of the Senate

STUDY BILLS RECEIVED

S.S.B. 2225 State Government

Authorizing the Iowa state fair board to purchase, sell, or exchange real estate subject to the approval of the executive council, and to lease, either as lessor or lessee, property and facilities under the control of the Iowa state fair board.

S.S.B. 2226 Natural Resources

To consolidate the management and regulation of water resources by transferring to the department of environmental quality the powers and duties of the Iowa natural resources council and the powers and duties of the state department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and water wells, making corresponding amendments to the Code, and providing civil penalties for violations and effective date.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	809	Natural Resources
H.F.	2059	Commerce
H.F.	2158	Judiciary
H.F.	2340	Judiciary
H.F.	2351	Ways and Means
H.F.	2359	Judiciary

FURTHER REPORTS OF COMMITTEE MEETINGS

COMMERCE*

*A previous report of this meeting was recorded on page 495 of the Senate Journal.

Final Bill Action: SENATE FILE 2212 (SSB 2157), a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Holden, Comito, Craft, DeKoster, Husak, Jensen and Priebe. Nays, none. Absent or not voting, 3: Baugher, Deluhery and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

COUNTY GOVERNMENT*

*A previous report of this meeting was recorded on page 511 of the Senate Journal.

Final Bill Action: SENATE FILE 2213 (SSB 2197), a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Vande Hoef and Yenger. Nays, none. Voting present, 1: Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

JUDICIARY*

*A previous report of this meeting was recorded on page 496 of the Senate Journal.

Final Bill Action: SENATE FILE 2209 (SSB 2088), a bill for an act relating to the time limitation for the administration of an estate including documentation of title.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Kudart, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 1: Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

STATE GOVERNMENT*

*A previous report of this meeting was recorded on page 512 of the Senate Journal.

Final Bill Action: SENATE FILE 2214 (SSB 2195), a bill for an act relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Nystrom, Lura, Slater, Briles, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Tieden. Nays, none. Absent or not voting, 4: Carr, Craft, Palmer and Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2215 (SSB 2154), a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees by the agreement.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Lura, Slater, Briles, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Tieden. Nays, none. Absent or not voting, 3: Carr, Palmer and Schwengels.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: February 25, 1982, 3:00 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells.

Members Absent: none.

Other Committee Business: Amended Senate File 2111 and ordered redrafted for final approval as a committee bill; discussed and deferred action on Senate File 2078; assigned bills to subcommittees.

Adjourned: 4:00 p.m.

HUMAN RESOURCES

Convened: February 25, 1982, 1:37 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member; Carr, Coleman (arrived 1:44 p.m.), Drake (arrived 1:54 p.m.), Gratias, Hulse, A. Miller, Nystrom, Slater and Vande Hoef.

Members Absent: none.

Other Committee Business: Discussed SSB 2202.

Adjourned: 2:13 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: February 25, 1982, 8:15 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias and Wells.

Members Absent: Hultman and Kinley (excused).

Final Bill Action: SENATE FILE 2210 (SSB 2201), a bill for an act relating to the enforcement of the Iowa state elevator code, and providing a civil penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Hulse, Carney, Anderson, Brown, Goodwin, Gratiyas and Wells. Nays, none. Absent or not voting, 2: Hultman and Kinley.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed Senate File 465.

Adjourned: 8:25 a.m.

**BILL ENROLLED, SIGNED AND
SENT TO SECRETARY OF STATE**

The Secretary of State submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Secretary of State on this 26th day of February, 1982.

Senate Joint Resolution 6.

K. MARIE THAYER
Secretary of the Senate

AMENDMENT FILED

S—5161 S. F. 2211 Dick Ramsey

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:10 a.m., until 10:00 a.m., Monday, March 1, 1982.

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 1, 1982

The Senate met in regular session at 10:00 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 26, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, M.D., Iowa City, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 25, 1982, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws.

ALSO: That the House has on February 24, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2355, a bill for an act to exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars.

- This bill was read first time and passed on file.

INTRODUCTION OF BILL

Senate File 2216, by Committee on State Government, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program.

Read first time and placed on calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Yenger for the morning session on request of Senator Hultman.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

UNFINISHED BUSINESS (Deferred February 12, 1982)

House File 772

The Senate resumed consideration of House File 772, a bill for an act establishing a hunter safety and ethics education program and subjecting violators to a penalty, to be effective July 1, 1983, deferred on February 12, 1982.

Senator Waldstein offered amendment S—5097 filed by him on February 12, 1982, to page 1 of the bill.

Senator Goodwin raised the point of order that amendment S—5097 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5097 in order.

Action on **House File 772** and amendment S—5097 was temporarily deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gratias for the morning session on request of Senator Hultman.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 26.

Senate File 26

On motion of Senator Priebe, Senate File 26, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Doyle offered amendment S—5080 filed by the committee on Transportation on February 10, 1982, to page 1 of the bill and called for a division of the amendment: lines 2 through 5 as division S—5080A and lines 6 through 8 as division S—5080B.

Senator Doyle asked and received unanimous consent to withdraw division S—5080B.

Senator Doyle moved the adoption of division S—5080A, which motion prevailed by a voice vote.

Senator Priebe moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 26) the vote was:

Ayes, 30:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Craft	Deluhery
Doyle	Drake	Dreeszen	Hester
Holden	Hutchins	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rodgers
Schwengels	Taylor	Tieden	Van Gilst
Waldstein	Wells		

Nays, 12:

Carr	DeKoster	Gallagher	Gentleman
Goodwin	Hulse	Kudart	Murray
Rush	Slater	Small	Vande Hoef

Absent or not voting, 8:

Bisenius	Comito	Gratias	Hultman
Husak	Jensen	Ramsey	Yenger

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 217

Senator Rush called up for consideration Senate File 217, a bill for an act to provide certain exemptions from the real estate transfer tax and the requirements relating to the filing of a declaration of value, amended by the House, and moved that the Senate concur in House amendment S—5113 filed February 18, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 217) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Holden	Hulse	Hutchins
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, none.

Absent or not voting, 8:

Bisenius	Comito	Gratias	Hultman
Husak	Jensen	Ramsey	Yenger

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

BUSINESS PENDING

House File 772

The Senate resumed consideration of House File 772 and amendment S—5097, previously deferred.

Senator Priebe offered amendment S—5162 filed by him from the floor to amendment S—5097 and moved its adoption.

Amendment S—5162 was adopted by a voice vote.

Senator Waldstein moved the adoption of amendment S—5097 as amended, which motion prevailed by a voice vote.

Senator Goodwin moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 772) the vote was:

Ayes, 39:

Anderson	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Hulse	Husak	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, 4:

Baughner	Holden	Lura	Small
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Absent or not voting, 7:

Bisenius
Jensen

Comito
Ramsey

Gratias
Yenger

Hultman

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.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:25 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President pro tempore Ramsey presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

INTRODUCTION OF BILLS

Senate File 2217, by Baugher, a bill for an act relating to a tax imposed upon the sale of agricultural land and the use of the tax revenues for soil conservation purposes and providing penalties.

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

Senate File 2218, by Committee on Natural Resources, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

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

Senate File 2219, by Committee on County Government, a bill for an act authorizing a county having a population of two hundred fifty thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter, to be effective upon publication.

Read first time and placed on calendar.

Senate File 2220, by Committee on Commerce, a bill for an act repealing a Code provision requiring the Iowa commerce commission to hold a special hearing to determine if charges payable by the state or an agency of the state for communications services are reasonable.

Read first time and placed on calendar.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 103

By: Miller of Des Moines

- 1 *Whereas*, there is a need for mass transit services
- 2 for the growing number of elderly in this state; and
- 3 *Whereas*, there are many miles of rail line which
- 4 have been abandoned in this state; and
- 5 *Whereas*, there is a need to plan for adequate
- 6 transportation services for future industrial and
- 7 agricultural development in this state; and
- 8 *Whereas*, there is need for adequate transportation
- 9 services for use by the citizens of this state for
- 10 personal needs; and
- 11 *Whereas*, there are less federal dollars made avail-
- 12 able to the states to meet existing transportation needs
- 13 of the people, agriculture, and industry; *Now Therefore*,
- 14 *Be It Resolved by the Senate, the House Concurring*,
- 15 That the state department of transportation shall con-
- 16 duct a study regarding the feasibility of implementing
- 17 a program for providing freight and passenger rail
- 18 service on abandoned rail lines in this state; and
- 19 *Be It Further Resolved*, That the department shall
- 20 also conduct a study for the funding of rural and
- 21 intracity mass transit systems to provide adequate
- 22 transportation services for the citizens of this
- 23 state; and
- 24 *Be It Further Resolved*, That the department shall
- 25 prepare and submit its findings of fact and recommenda-

26 tions to the Seventieth General Assembly not later
27 than January 1, 1983.

Read first time and passed on file.

UNFINISHED BUSINESS
(Deferred February 19, 1982)

Senate File 2088

The Senate resumed consideration of Senate File 2088, a bill for an act to authorize a property tax levy by school districts for a cash reserve, deferred on February 19, 1982.

Senator Priebe withdrew amendment S—5108 filed by him on February 17, 1982, to page 1 of the bill.

Senator Gratias moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2088) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Gentleman	Goodwin	Gratias
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 7:

Dreeszen	Gallagher	Hester	Holden
Priebe	Rodgers	Tieden	

Absent or not voting, 1:

Bisenius

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

UNFINISHED BUSINESS
(Deferred February 15, 1982)

Senate File 446

The Senate resumed consideration of Senate File 446, a bill for an act establishing a precious metal dealer's license and providing a penalty, deferred on February 15, 1982.

Senator Comito withdrew amendment S—5098 filed by him on February 15, 1982, to pages 2 and 3 of the bill.

Senator Comito withdrew amendment S—5099 filed by him on February 15, 1982, to pages 2 and 3 of the bill.

Senator Comito offered amendment S—5110 filed by him on February 17, 1982, to pages 2 and 3 of the bill.

Senator Comito offered amendment S—5111 filed by him on February 17, 1982, to amendment S—5110 and moved its adoption.

Amendment S—5111 was adopted by a voice vote.

Senator Comito moved the adoption of amendment S—5110 as amended, which motion prevailed by a voice vote.

Senator Lura asked unanimous consent that Senate File 446 be referred to the committee on Judiciary.

Objection was raised by Senator Kudart.

Senator Lura withdrew his request.

Senator Hultman asked and received unanimous consent that **Senate File 446** be referred to the committee on **Judiciary** and that the bill be reported out by **March 5, 1982**.

WITHDRAWN

Senator Brown asked and received unanimous consent that **Senate File 193** be withdrawn from further consideration of the Senate.

APPENDIX**BILL ASSIGNED TO COMMITTEE**

President Branstad announced the assignment of the following bill to committee:

S. F. 2211 Education

STUDY BILLS RECEIVED

S.S.B. 2227 Commerce

Relating to the definition of gas appliance for purposes of the regulation of gas appliances with pilot lights.

S.S.B. 2228 Commerce

Authorizing the commissioner of insurance to regulate the establishment and operation of third party prescription drug programs.

S.S.B. 2229 Ways and Means

To allow financial institutions to carry back a net operating loss a period of ten years or to the tax year in which the financial institution commenced doing business in this state, whichever is later, in computing franchise taxes, and making the Act retroactive to January 1, 1981, effective upon publication.

S.S.B. 2230 Ways and Means

Relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring notice of changes in motor vehicle fuel type, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas.

S.S.B. 2231 Education Appropriations Subcommittee

Proposed Joint Resolution relating to adequate state supported student aid programs.

S.S.B. 2232 Judiciary

Relating to procedures in small claims actions.

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 1st day of March, 1982:

Senate Files 213 and 2080.

K. MARIE THAYER
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 26, 1982.

ARTHUR A. SMALL, JR.

PETITIONS

The following petitions were presented and placed on file by:

Senator Craft from one hundred three residents of Marshall, Clarke, Hardin and Decatur Counties favoring legislation for the protection of Iowa prairie lands.

Senator Tieden from one hundred eighty-six residents of Allamakee, Clayton and Winneshiek Counties favoring legislation to assist the court system in protecting the rights and privileges of free and honest citizens.

COMMUNICATION

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

IOWA SUPREME COURT

Pursuant to sections 813.4 and 684.19, The Code, the Supreme Court of Iowa on January 27, 1982, reported to the General Assembly changes in the Rules of Criminal Procedure. It has come to the attention of the court that there is a technical mistake on page 6 of exhibit A of the report which relates to the renumbering of the subsections of rule 18.

Lines 15 through 17 on page 6 of the exhibit A of the January 27, 1982, report regarding the Rules of Criminal Procedure should be, and hereby are, corrected to read as follows:

That subsections "3", "4", "5", "6", "7", "8", "9", "10", and "11" be renumbered as subsections "1", "2", "3", "4", "5", "6", "7", "8", and "9", respectively.

FURTHER
REPORTS OF COMMITTEE MEETINGS

COMMERCE*

*A previous report of this meeting was recorded on page 495 of the Senate Journal.

Final Bill Action: SENATE FILE 2220 (SSB 2097), a bill for an act repealing a Code provision requiring the Iowa commerce commission to hold a special hearing to determine if charges payable by the state or an agency of the state for communications services are reasonable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Holden, Comito, Craft, Husak, Jensen and Priebe. Nays, none. Absent or not voting, 4: Baugher, Deluhery, DeKoster and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

COUNTY GOVERNMENT*

*A previous report of this meeting was recorded on page 511 of the Senate Journal.

Final Bill Action: SENATE FILE 2219, a bill for an act authorizing a county having a population of two hundred fifty thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter, to be effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

STATE GOVERNMENT*

*A previous report of this meeting was recorded on page 513 of the Senate Journal.

Final Bill Action: SENATE FILE 2216 (SSB 2180), a bill for an act to reorganize the office for planning and programming by establishing a governor's youth corps program, transferring the appointing authority for the state building code from the division of municipal affairs of the office for planning and programming to the commissioner of public safety, and repealing the rural community development Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller and Palmer. Nays, none. Absent or not voting, 2: Schwengels and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF COMMITTEE MEETING

NATURAL RESOURCES

Convened: March 1, 1982, 11:20 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers.

Members Absent: none.

Final Bill Action: SENATE FILE 2218 (SSB 2214), a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 11:30 a.m.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 26, 1982.

Had I been present I would have voted "aye" on Senate Files 2067, 2118, 2120, 2146, 2155, 2156, 2157, 2163, 2165, 2167, 2175, 2190, and amendment S-5101 to Senate File 2157.

RAY TAYLOR

AMENDMENTS FILED

S-5162	H.F.	772	Berl E. Priebe
S-5163	S. F.	2166	Dale L. Tieden
S-5164	S. F.	2166	C.W. Bill Hutchins

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:00 p.m., until 9:00 a.m., Tuesday, March 2, 1982.

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 2, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Carl Riggs, pastor of the First Presbyterian Church, Fairfield, Iowa.

The Journal of Monday, March 1, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R.L. Bendixen, M.D., Denison, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bisenius for the day on request of Senator Hultman.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for a few hours during the morning session on request of Senator Junkins.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2174.

Senate File 2174

On motion of Senator Miller of Des Moines, Senate File 2174, a bill for an act relating to establishing a state employee suggestion system, was taken up for consideration.

Senator Miller of Des Moines asked and received unanimous consent that **House File 2341** be substituted for **Senate File 2174**.

House File 2341

On motion of Senator Miller of Des Moines, House File 2341, a bill for an act relating to establishing a state employee suggestion system, was taken up for consideration.

Senator Miller of Des Moines moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2341) the vote was:

Ayes, 34:

Anderson	Baugher	Briles	Brown
Carney	Carr	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Hultman	Husak
Hutchins	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Schwengels	Slater	Tieden	Waldstein
Wells	Yenger		

Nays, 12:

DeKoster	Gratias	Holden	Hulse
Jensen	Kudart	Ramsey	Rush
Small	Taylor	Vande Hoef	Van Gilst

Absent or not voting, 4:

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

Senator Miller of Des Moines asked and received unanimous consent that **Senate File 2174** be **withdrawn** from further consideration of the Senate.

Senate File 2176

On motion of Senator Gentleman, Senate File 2176, a bill for an act relating to the establishment and operation of group day care homes, was taken up for consideration.

Senator Junkins asked and received unanimous consent that further action on **Senate File 2176** be **deferred**.

Senator Hultman asked and received unanimous consent to take up out of order Senate File 578.

Senate File 578

On motion of Senator Holden, Senate File 578, a bill for an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election, with report of committee recommending passage, was taken up for consideration.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 578) the vote was:

Ayes, 30:

Baughner	Carney	Comito	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Miller, A.V.	Murray	Nystrom
Priebe	Ramsey	Readinger	Rush
Schwengels	Taylor	Tieden	Vande Hoef
Waldstein	Yenger		

Nays, 16:

Anderson	Brown	Carr	Deluhery
Doyle	Gallagher	Husak	Hutchins
Junkins	Kinley	Miller, C.P.	Palmer
Rodgers	Slater	Van Gilst	Wells

Absent or not voting, 4:

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2172.

Senate File 2172

On motion of Senator Craft, Senate File 2172, a bill for an act relating to the electronic transfer of funds, was taken up for consideration.

Senator Carr asked and received unanimous consent that further action on **Senate File 2172** be deferred.

Senate File 2180

On motion of Senator Gratias, Senate File 2180, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans, was taken up for consideration.

Senator Van Gilst raised the point of order that Senate File 2180 should be referred to the committee on Ways and Means under Senate Rule 37.

Senator Van Gilst withdrew his point of order.

Senator Gratias asked and received unanimous consent that further action on **Senate File 2180** be deferred.

BUSINESS PENDING

Senate File 2172

The Senate resumed consideration of Senate File 2172, previously deferred.

Senator Carr offered amendment S—5167 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 8, nays 39.

Amendment S—5167 lost.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2172) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 2:

Carr Gallagher

Absent or not voting, 2:

Bisenius Kudart

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 out of order Senate File 2182.

Senate File 2182

On motion of Senator DeKoster, Senate File 2182, a bill for an act relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2182) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Junkins	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

BUSINESS PENDING

Senate File 2180

The Senate resumed consideration of Senate File 2180, previously deferred.

Senator Gratias moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2180) the vote was:

Ayes, 43:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Comito	Craft
DeKoster	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels

Small Waldstein	Taylor Wells	Tieden Yenger	Vande Hoef
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Nays, 5:

Carr Van Gilst	Deluhery	Miller, C.P.	Slater
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Absent or not voting, 2:

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

CONSIDERATION OF BILLS (Regular Calendar)

Senate File 2183

On motion of Senator Doyle, Senate File 2183, a bill for an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date, was taken up for consideration.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2183) the vote was:

Ayes, 47:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Bisenius Craft Kudart

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

Senate File 2184

On motion of Senator Carney, Senate File 2184, a bill for an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor, was taken up for consideration.

Senator Carney asked and received unanimous consent that **House File 2347** be substituted for **Senate File 2184**.

House File 2347

On motion of Senator Carney, House File 2347, a bill for an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor, was taken up for consideration.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2347) the vote was:

Ayes, 46:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Bisenius

Briles

Kudart

Small

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

Senator Carney asked and received unanimous consent that **Senate File 2184** be **withdrawn** from further consideration of the Senate.

RECESS

On motion of Senator Nystrom, the Senate recessed at 12:10 p.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILL

Senate File 2221, by Committee on Agriculture, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties.

Read first time and placed on calendar.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 2, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

H.F. 396—Relating to an income tax checkoff for the state fish and game protection fund.

H.F. 788—Excluding child day care providers and babysitters from the child foster care licensing requirements.

H.F. 2034—Relating to state bank investment in bonds and notes issued by the Iowa Family Farm Development Authority.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2217	Ways and Means
H. F.	2355	Labor and Industrial Relations
S. C. R.	103	Rules and Administration

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 1, 1982.

Had I been present, I would have voted "aye" on Senate File 217 and House File 772.

SUE YENGER

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3506 to House File 303 was adopted by the Senate on April 15, 1981.

SUE YENGER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3506 to House File 303 was adopted by the Senate on April 15, 1981.

ARTHUR A. SMALL, JR.

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3417 to House File 303 was adopted by the Senate on April 15, 1981.

JOHN S. MURRAY

STUDY BILLS RECEIVED

S.S.B. 2233 Transportation

Providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways, making the Act retroactive to January 1, 1979, effective upon publication.

S.S.B. 2234 State Government

Relating to the requirements that certain buildings be designed by registered architects.

S.S.B. 2235 Transportation

To allow the movement of two trailers drawn by a motor truck up to a combined length of eighty feet on certain highways from the place of manufacture or assembly in the state to a retail dealer's place of business in the state.

S.S.B. 2236 Transportation

Providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

S.S.B. 2237 Judiciary

Establishing comparative fault as the basis for liability in relation to claims for damages arising from injury to or death of a person or harm to property, to take effect July 1, 1983.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 2, 1982, 8:05 a.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Dreeszen, Hulse, Husak, C. Miller, Vande Hoef, Van Gilst and Waldstein.

Members Absent: none.

Final Bill Action: SENATE FILE 2221 (SSB 2105), a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Taylor, Hester, Dreeszen, Hulse, C. Miller, Vande Hoef, Van Gilst and Waldstein. Nays, 2: Hutchins and Husak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned study bills to subcommittees; SSB 2222 failed approval by the committee; subcommittee gave report on grain elevators.

Adjourned: 9:05 a.m.

COMMERCE

Convened: March 1, 1982, 3:00 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: none.

Final Bill Action: SENATE FILE 2187, a bill for an act relating to costs incurred for a mobile home space when a tenant abandons the mobile home.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5169.

Final Vote: Ayes, 10: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; discussed SSB 2002 and ordered redrafted by LSB.

Adjourned: 4:00 p.m.

STATE GOVERNMENT

Convened: March 1, 1982, 1:35 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees; discussed SSB 2194—deferred action; amended House File 2353—deferred action; Senate File 2149 failed recommendation for passage.

Adjourned: 2:43 p.m.

AMENDMENTS FILED

S—5165	H.F.	2344	A.R. Bud Kudart
S—5166	H.F.	741	A.R. Bud Kudart
S—5167	S. F.	2172	Bob Carr
S—5168	S. F.	2203	Elvie L. Dreeszen Arne Waldstein C. Joseph Coleman
S—5169	S. F.	2187	Commerce Committee
S—5170	S. F.	2166	James V. Gallagher
S—5171	S. F.	2206	Emil J. Husak Berl E. Priebe
S—5172	S. F.	2206	Emil J. Husak Berl E. Priebe
S—5173	H.F.	2336	John S. Murray

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:02 p.m., until 9:00 a.m., Wednesday, March 3, 1982.

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 3, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend James Fouke, pastor of the Ventura United Methodist Church, Ventura, Iowa.

The Journal of Tuesday, March 2, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Veverka, M.D., Prairie City, Iowa.

INTRODUCTION OF BILLS

Senate File 2222, by Committee on Judiciary, a bill for an act to require filing, in the office of the soil conservation district and in the office of the recorder of the county in which the land is located, of any agreements for receipt of any state cost-sharing funds for permanent soil conservation practices and to provide a standardized form of release.

Read first time and placed on calendar.

Senate File 2223, by Committee on Judiciary, a bill for an act relating to the designation of attorneys employed to assist a fiduciary of an estate.

Read first time and placed on calendar.

QUORUM CALL

Senator Nystrom requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rodgers for the day on request of Senator Junkins.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senate File 2203

On motion of Senator Baugher, Senate File 2203, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction, was taken up for consideration.

President pro tempore Ramsey took the chair at 9:15 a.m.

Senator Dreeszen offered amendment S—5168 filed by Senators Dreeszen, Waldstein and Coleman on March 2, 1982, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5168 be adopted?" (S.F. 2203) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Briles	Carney	Coleman	DeKoster
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Husak
Hutchins	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Schwengels	Taylor	Vande Hoef
Waldstein	Wells		

Nays, 23:

Anderson	Baugher	Brown	Carr
Comito	Deluhery	Doyle	Drake
Holden	Jensen	Junkins	Kinley
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Rush	Slater
Tieden	Van Gilst	Yenger	

Absent or not voting, 5:

Bisenius	Craft	Hultman	Rodgers
Small			

Amendment S—5168 lost.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2203) the vote was:

Ayes, 30:

Anderson	Baugher	Brown	Carney
Carr	Comito	Deluhery	Doyle
Drake	Gallagher	Gentleman	Goodwin
Holden	Hultman	Husak	Jensen
Junkins	Kudart	Lura	Miller, C.P.
Murray	Nystrom	Ramsey	Rush
Schwengels	Slater	Tieden	Van Gilst
Wells	Yenger		

Nays, 17:

Briles	Coleman	Craft	DeKoster
Dreeszen	Gratias	Hester	Hulse
Hutchins	Kinley	Miller, A.V.	Palmer
Priebe	Readinger	Taylor	Vande Hoef
Waldstein			

Absent or not voting, 3:

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

House File 2336

On motion of Senator Murray, House File 2336, a bill for an act relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Craft took the chair at 11:20 a.m.

President pro tempore Ramsey took the chair at 11:40 a.m.

Senator Drake offered amendment S—5152 filed by the committee on Appropriations on February 25, 1982, to page 11 of the bill and moved its adoption.

Amendment S—5152 was adopted by a voice vote.

Senator Carney offered amendment S—5177 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5177 was adopted by a voice vote.

(House File 2336 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 12:05 p.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2377, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties and providing that the Act takes effect upon its publication.

This bill was read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 2224, by Hultman, a bill for an act to disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effect upon publication retroactive to January 1, 1981.

Read first time and passed on file.

Senate File 2225, by Committee on Commerce, a bill for an act amending section 476.6, unnumbered paragraph 6 of the Code as it relates to the definition of the filing date of new or changed rates, charges, schedules, or regulations for purposes of the collection of temporary rates by a rate-regulated public utility in connection with a newly constructed electric generating facility and to the rate of interest payable on rate refunds.

Read first time and placed on calendar.

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 109

By: Hultman and Junkins

- 1 *Whereas*, the gubernatorial appointment process which
- 2 requires confirmation by the Senate was revised in recent
- 3 years, which revision has for the most part provided a
- 4 much more orderly process; and
- 5 *Whereas*, it is normally advisable to review on a
- 6 timely basis procedures which have been substantially
- 7 changed in order to determine if the procedures are
- 8 functioning as anticipated and to examine strengths and
- 9 weaknesses of new procedures; and
- 10 *Whereas*, the number of appointments subject to Senate
- 11 confirmation is extremely large; *Now Therefore*,
- 12 *Be It Resolved by the Senate*, That a Senate Study
- 13 Committee be appointed by the Lieutenant Governor
- 14 after consultation with the Majority and Minority Floor
- 15 Leaders of the Senate, which Study Committee shall
- 16 consist of Senators representing both political parties,
- 17 for the purpose of reviewing the gubernatorial appoint-
- 18 ment process which requires Senate confirmation and to
- 19 include within the study a review of the many boards and
- 20 commissions to which appointments are made including

21 whether or not political party affiliation is a proper
22 prerequisite for membership on a board or commission; and
23 *Be It Further Resolved*, That the Study Committee make
24 a report to the Senate meeting in the year 1983 which
25 report shall contain the recommendations of the Study
26 Committee and which shall be accompanied by bill drafts
27 designed to carry out the recommendations of the Study
28 Committee.

Read first time and passed on file.

President pro tempore Ramsey took the chair at 4:10 p.m.

POINT OF ORDER (Senate File 2218)

Senator Murray raised the point of order that Senate File 2218 should be referred from the Regular Calendar to the committee on State Government under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2218** was referred from the Regular Calendar to the committee on **State Government** under Senate Rule 37.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2166.

Senate File 2166

On motion of Senator Tieden, Senate File 2166, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences, was taken up for consideration.

Senator Tieden withdrew amendment S—5163 filed by him on March 1, 1982, to pages 1 and 2 of the bill.

Senator Tieden offered amendment S—5182 filed by him from the floor to pages 1 and 2 of the bill.

Senator Gallagher raised the point of order that amendment S—5182 was not germane to the bill.

Senator Gallagher withdrew his point of order.

Senator Hultman asked and received unanimous consent that **Senate File 2166** be referred back to the committee on **Natural Resources**.

BUSINESS PENDING

House File 2336

The Senate resumed consideration of House File 2336, pending on recess.

Senator Brown offered amendment S—5174 filed by him from the floor to page 2 of the bill.

Senator Carney raised the point of order that amendment S—5174 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5174 out of order.

Senator Readinger offered amendment S—5178 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5178 was adopted by a voice vote.

Senator Slater offered amendment S—5176 filed by Senators Slater and Brown from the floor to page 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5176 be adopted?" (H.F. 2336) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Van Gilst
Wells	Yenger		

Nays, 27:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	

Absent or not voting, 1:

Bisenius

Amendment S—5176 lost.

Senator Murray offered amendment S—5175 filed by him from the floor to page 6 of the bill and moved its adoption.

Amendment S—5175 was adopted by a voice vote.

Senator Murray offered amendment S—5173 filed by him on March 2, 1982, to page 7 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5173 be adopted?" (H.F. 2336) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Anderson	Baughner	Briles	Brown
Carr	Coleman	DeKoster	Deluhery
Doyle	Gentleman	Hultman	Hutchins
Junkins	Kinley	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Van Gilst	Wells	

Nays, 21:

Carney	Comito	Craft	Dreeszen
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Husak	Jensen
Kudart	Lura	Miller, A.V.	Ramsey
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Absent or not voting, 2:

Bisenius Drake

Amendment S—5173 was adopted.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2336) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 49:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 1:

Bisenius

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

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 2, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 474—Relating to the tort liability of governmental subdivisions.

S.F. 494—Relating to criminal procedure.

S.F. 574—Relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property.

S.F. 2126—To change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in Section 586.1.

ALSO:

That on March 3, 1982, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2080—Relating to the time for depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed.

H.F. 2171—Relating to taxation.

COMMUNICATION

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

DEPARTMENT OF HEALTH

A copy of the fourth annual report of Iowa's Certificate of Need Program prepared by the Department of Health and the State Health Facilities Council, pursuant to Sec. 135.81, Code 1981.

FURTHER REPORT OF COMMITTEE MEETING

JUDICIARY*

*A previous report of this meeting was recorded on page 496 of the Senate Journal.

Final Bill Action: SENATE FILE 2222 (SSB 2079), a bill for an act to require filing, in the office of the soil conservation district and in the office of the recorder of the county in which the land is located, of any agreements for receipt of any state cost-sharing funds for permanent soil conservation practices and to provide a standardized form of release.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Lura and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2223 (SSB 2191), a bill for an act relating to the designation of attorneys employed to assist a fiduciary of an estate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Ramsey, Small, Taylor and Murray. Nays, none. Absent or not voting, 1: Lura.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 3, 1982, 1:30 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: none.

Final Bill Action: SENATE FILE 2225 (SSB 2002) a bill for an act amending section 476.6, unnumbered paragraph 6 of the Code as it relates to the definition of the filing date of new or changed rates, charges, schedules, or regulations for purposes of the collection of temporary rates by a rate-regulated public utility in connection with a newly constructed electric generating facility and to the rate of interest payable on rate refunds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Holden, Baugher, Comito, Craft, DeKoster and Jensen. Nays, 2: Priebe and Rush. Voting present, 2: Deluhery and Husak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bill to subcommittee; discussed SSBs 2015, 2227 and 2041 and ordered drafted by LSB.

Adjourned: 2:15 p.m.

COUNTY GOVERNMENT

Convened: March 2, 1982, 3:05 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger.

Members Absent: none.

Final Bill Action: SENATE FILE 2019, a bill for an act relating to grave markers for veterans.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Vande Hoef and Yenger. Nays, none. Absent or not voting, 1: Priebe.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2337, a bill for an act relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: County rules pertaining to County Home Rule bill of last year to be made available in near future; committee bill being drafted pertaining to change in Chapter 359.43; Senate File 2098 failed recommendation for passage; SSB 2023 approved as a committee bill; amended and approved Senate File 2170 as a committee bill.

Adjourned: 3:45 p.m.

JUDICIARY

Convened: March 3, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: none.

Final Bill Action: SENATE FILE 156, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences.

Recommendation: DO PASS.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

TRANSPORTATION

Convened: March 2, 1982, 1:45 p.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Comito, Doyle (arrived 1:55 p.m.), Hutchins (arrived 2:00 p.m.), A. Miller, Murray and Nystrom.

Members Absent: Bisenius.

Final Bill Action: HOUSE FILE 796, a bill for an act providing for the issuance of a restricted license for certain persons between the ages of sixteen and eighteen.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5184.

Final Vote: Ayes, 8: Drake, Jensen, Coleman, Comito, Doyle, Hutchins, A. Miller and Murray. Nays, none. Absent or not voting, 2: Bisenius and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 2:45 p.m.

WAYS AND MEANS

Convened: March 2, 1982, 1:34 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Palmer (excused).

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:00 p.m.

PRESENTATION OF VISITORS

President Branstad welcomed the following visitors who were present in the Senate gallery on March 2, 1982:

Ten students from St. Ambrose College, Davenport, Iowa, the guests of Senator Deluhery.

The Chair welcomed the following visitors who were present in the Senate gallery on March 3, 1982:

Four students from West Delaware High School, Manchester, Iowa, accompanied by Hank Bramman and Linda Robinson. Senator Tieden.

Seven students from Burlington High School, Burlington, Iowa, accompanied by Sherman Lundy. Senator Miller of Des Moines.

Thirty students from YJB High School, Jamaica, Iowa, accompanied by former State Representative Ernest Gilson. Senator Hutchins.

Seventy students from Creston High School, Creston, Iowa, accompanied by Mr. Rose. Senators Ramsey and Briles.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2203 passed the Senate on March 3, 1982.

JULIA GENTLEMAN

AMENDMENTS FILED

S—5174	H.F.	2336	Joe Brown
S—5175	H.F.	2336	John S. Murray

S—5176	H.F.	2336	Tom Slater Joe Brown
S—5177	H.F.	2336	Clarence S. Carney
S—5178	H.F.	2336	David M. Readinger
S—5179	H.F.	808	Richard F. Drake
S—5180	H.F.	2334	Richard F. Drake C.W. Bill Hutchins
S—5181	S. F.	2201	Donald V. Doyle
S—5182	S. F.	2166	Dale L. Tieden
S—5183	S. F.	2178	John N. Nystrom
S—5184	H.F.	796	Transportation Committee
S—5185	S. F.	2218	James V. Gallagher
S—5186	H.F.	777	Bob Carr
S—5187	S. F.	2091	Richard F. Drake

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:25 p.m., until 9:00 a.m., Thursday, March 4, 1982.

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 4, 1982

The Senate met in regular session at 9:05 a.m., Senator Carney presiding.

Prayer was offered by the Reverend Melvin Miller, pastor of the Simpson United Methodist Church, Des Moines, Iowa.

The Journal of Wednesday, March 3, 1982, was approved.

President Branstad took the chair at 9:10 a.m.

SPECIAL GUEST

Senator Priebe, Representative Branstad and Mary Jane Odell, Secretary of State and Chairperson of the Iowa Easter Seal Drive, appeared in the well of the Senate and presented Denise Shieler, 12, from Burt, Iowa, the 1982 Iowa Easter Seal Child. She was accompanied by her parents, Mary and Dennis Shieler and brother, Kirk.

Denise addressed the Senate briefly stating the facilities and enjoyment the Easter Seal Society has provided her, including the electric wheel chair she goes to school in and the opportunity to attend Camp Sunnyside in the summer. She said she especially enjoys playing the pedal bass in the junior band at school, where she is a seventh grader.

Denise expressed her pleasure in visiting the State Capitol and meeting the legislators. In closing her remarks, she commented, "My biggest thrill will be meeting the Governor."

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 2, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2369, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication.

This bill was read first time and **passed on file**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 104

By: Miller of Des Moines

1 *Whereas*, there is a need for public transit services
 2 for the growing number of elderly in this state and the
 3 other citizens of this state; and
 4 *Whereas*, there is a need to plan for adequate trans-
 5 portation services for future industrial and agricultural
 6 development in this state; and
 7 *Whereas*, there is a need for adequate transportation
 8 services for use by the citizens of this state for
 9 personal needs; and
 10 *Whereas*, there are less federal dollars made avail-
 11 able to the states to meet existing transportation
 12 needs of the people, agriculture, and industry; *Now*
 13 *Therefore*,
 14 *Be It Resolved by the Senate, the House Concurring*,
 15 That the state department of transportation prepare
 16 a report of its recommendations for implementing
 17 transportation services for the movement of freight
 18 and passengers based upon prior studies conducted by
 19 the department; and
 20 *Be It Further Resolved*, That the department shall
 21 also conduct a study for the state's role in funding
 22 of rural and intracity public transit systems to pro-
 23 vide adequate public transportation services for the

24 citizens of this state; and
 25 *Be It Further Resolved*, That the department shall
 26 prepare and submit its findings of fact and recommenda-
 27 tions to the Seventieth General Assembly not later
 28 than January 1, 1983.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 2226, by Committee on Transportation, a bill for an act to allow the movement of two trailers drawn by a motor truck up to a combined length of eighty feet on certain highways from the place of manufacture or assembly in the state to a retail dealer's place of business in the state.

Read first time and placed on calendar.

Senate File 2227, by Deluhery, a bill for an act to restrict the use of special assessments for street improvements.

Read first time and passed on file.

Senate File 2228, by Anderson, a bill for an act relating to hazardous waste, providing for technical assistance to cities and counties, compensation to cities or counties in which a facility is located, and victim relief.

Read first time and passed on file.

Senate File 2229, by Craft, Comito, Hulse, Taylor, Bisenius, Lura, Priebe, Goodwin, Briles, Tieden, Dreeszen, Jensen, Baugher, Schwengels and Vande Hoef, a bill for an act proposing an amendment to the Constitution of the State of Iowa relating to the protection of taxpayers' rights by limiting taxes, revenue, spending, and related activities of the state and local governments.

Read first time and passed on file.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lura for the morning session on request of Senator Hultman.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent and a quorum present.

MOTION TO RECONSIDER FILED

Senator Hultman asked and received unanimous consent to file the following motion to reconsider by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2130 passed the Senate on February 11, 1982.

Senator Carney took the chair at 9:25 a.m.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2186.

Senate File 2186

On motion of Senator Hester, Senate File 2186, a bill for an act relating to the examination and appointment of deputy assessors, was taken up for consideration.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2186) the vote was:

Ayes, 42:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Nystrom	Priebe	Ramsey	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Baugher	Bisenius	DeKoster	Lura
Murray	Palmer	Readinger	Rodgers

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

House File 469

On motion of Senator Craft, House File 469, a bill for an act relating to the audit and certification of claims for the personal property tax credit, with report of committee recommending passage, was taken up for consideration.

President Branstad took the chair at 9:30 a.m.

Senator Hutchins asked and received unanimous consent that further action on **House File 469** be deferred.

House File 505

On motion of Senator Craft, House File 505, a bill for an act to remove the requirement that assessors itemize individual names and legal descriptions in their annual reports of exempt property to the department of revenue, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 505) the vote was:

Ayes, 42:

Anderson	Baugher	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Nystrom	Ramsey
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Bisenius	Lura	Murray	Palmer
Priebe	Readinger	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

House File 469

The Senate resumed consideration of House File 469, previously deferred.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 469) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Nystrom	Ramsey
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Bisenius	Lura	Murray	Palmer
Priebe	Readinger	Rodgers	Van Gilst

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.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

CONSIDERATION OF BILL (Ways and Means Calendar)

House File 833

On motion of Senator Van Gilst, House File 833, a bill for an act changing the beginning and ending dates of the Vietnam Conflict for purposes of the military service property tax exemption, with report of committee recommending passage, was taken up for consideration.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 833) the vote was:

Ayes, 43:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Husak
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 3:

Baughner	DeKoster	Holden
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Absent or not voting, 4:

Bisenius

Jensen

Lura

Ramsey

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 833 passed the Senate on March 4, 1982.

JOE BROWN

RECESS

On motion of Senator Hultman, the Senate recessed at 11:10 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President pro tempore Ramsey presiding.

INTRODUCTION OF BILLS

Senate Joint Resolution 2003, by Craft, Comito, Hulse, Taylor, Bisenius, Lura, Priebe, Goodwin, Briles, Tieden, Dreeszen, Jensen, Baugher, Schwengels and Vande Hoef, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the protection of taxpayers' rights by limiting taxes, revenue, spending, and related activities of the state and local governments.

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

Senate File 2230, by Committee on Commerce, a bill for an act relating to the limitation on garnishment.

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

Senate File 2231, by Committee on Transportation, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

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

Senate File 2232, by Committee on Judiciary, a bill for an act relating to profiting from inmates held in custody and providing a penalty.

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

Senate File 2233, by Committee on Judiciary, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation.

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

Senate File 2234, by Committee on Natural Resources, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference.

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

Senate File 2235, by Committee on Natural Resources, a bill for an act to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication.

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

Senate File 2236, by Committee on County Government, a bill for an act relating to expenditures for assessment appeals.

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

Senate File 2237, by Committee on County Government, a bill for an act relating to the vaccination and licensure of dogs by providing for the issuance of vaccination tags, repealing licensure requirements, repealing provisions providing for the payment of damages from dog license fees, and subjecting violators to a penalty.

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

Senate File 2238, by Committee on County Government, a bill for an act relating to the levy of a property tax for fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more.

Read first time and placed on calendar.

Senate File 2239, by Committee on Ways and Means, a bill for an act exempting the sales of tickets or admissions to events sponsored by merged area educational institutions and any county or state fair board from the state sales, services, and use tax.

Read first time and placed on calendar.

Senate File 2240, by Committee on Commerce, a bill for an act repealing the statutes relating to the sale of gas lamps and certain appliances equipped with a pilot light.

Read first time and placed on calendar.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

WITHDRAWN

Senator Craft asked and received unanimous consent that **Senate File 2229** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS (Noncontroversial Calendar)

Senate File 2150

On motion of Senator Kudart, Senate File 2150, a bill for an act defining "adjusted gross estate" as used in wills and certain trusts, was taken up for consideration.

Senator Kudart offered amendment S—5153 filed by him on February 25, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5153 was adopted by a voice vote.

Senator Kudart asked and received unanimous consent that **House File 2349** be substituted for **Senate File 2150** as amended.

House File 2349

On motion of Senator Kudart, House File 2349, a bill for an act relating to the definition of adjusted gross estate, was taken up for consideration.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2349) the vote was:

Ayes, 44:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Craft	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Bisenius	Carr	Comito	DeKoster
Kinley	Murray		

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

Senator Kudart asked and received unanimous consent that **Senate File 2150** be **withdrawn** from further consideration of the Senate.

Senate File 2152

On motion of Senator Kudart, Senate File 2152, a bill for an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors, was taken up for consideration.

President Branstad took the chair at 4:18 p.m.

Senator Kudart offered amendment S—5154 filed by Senators Kudart and DeKoster on February 25, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5154 was adopted by a voice vote.

Senator Kudart asked and received unanimous consent that House File 2345 be substituted for Senate File 2152 as amended.

House File 2345

On motion of Senator Kudart, House File 2345, a bill for an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors, was taken up for consideration.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2345) the vote was:

Ayes, 43:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Craft	Deluhery
Doyle	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 7:

Bisenius	Carr	Comito	DeKoster
Dreeszen	Kinley	Murray	

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

Senator Kudart asked and received unanimous consent that **Senate File 2152** be **withdrawn** from further consideration of the Senate.

House Concurrent Resolution 106

On motion of Senator Briles, House Concurrent Resolution 106, a resolution urging the head of each department and agency of state government to correspond and write reports in a clear and coherent manner, filed February 2, 1982, and found on page 256 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Junkins asked and received unanimous consent that further action on **House Concurrent Resolution 106** be **deferred**.

House Concurrent Resolution 107

On motion of Senator Schwengels, House Concurrent Resolution 107, a resolution relating to forming a compact with all the states of the Missouri River Basin concerning diversion of water, filed February 2, 1982, and found on pages 256-257 of the Senate Journal, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schwengels offered amendment S—5086 filed by the committee on Natural Resources on February 10, 1982, to page 2 of the resolution and moved its adoption.

Amendment S—5086 was adopted by a voice vote.

Senator Schwengels moved the adoption of House Concurrent Resolution 107, as amended, which motion prevailed by a voice vote.

House File 2249

On motion of Senator Doyle, House File 2249, a bill for an act relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated, with report of committee recommending passage, was taken up for consideration.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2249) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

House File 2334

On motion of Senator Drake, House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication, with report of committee recommending passage, was taken up for consideration.

Senator Drake offered amendment S—5180 filed by Senators Drake and Hutchins on March 3, 1982, to strike everything after the enacting clause of the bill.

Senator Dreeszen offered amendment S—5200 filed by him from the floor to amendment S—5180.

Senator Dreeszen asked and received unanimous consent that action on **House File 2334**, amendment S—5180 and amendment S—5200 to amendment S—5180 be **deferred**.

House File 2027

On motion of Senator Gentleman, House File 2027, a bill for an act to provide for a special turkey hunting license for landowners and tenants of farm units and their family members, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2027) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	DeKoster	Kinley	Murray
Slater			

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

WITHDRAWN

Senator Schwengels asked and received unanimous consent that **Senate File 2028** be withdrawn from further consideration of the Senate.

APPENDIX

STUDY BILLS RECEIVED

S.S.B. 2238 Ways and Means

Relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, the provisions excluding the tax as part of the basic cost of cigarettes, providing for penalty and interest for unpaid or delinquent taxes, the time period in which a hearing must be held when a protest is filed, waiver of penalty and reduction or abatement of interest by the director, and repealing the one-time inventory tax refund.

S.S.B. 2239 Ways and Means

Relating to the prepayment of premium taxes by insurance companies.

S.S.B. 2240 Ways and Means

Relating to claims for personal property tax credit.

S.S.B. 2241 Judiciary

Authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties.

S.S.B. 2242 State Government

Relating to eligibility for payment for banked sick leave.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2224	Ways and Means
S. R.	109	Rules and Administration

BILL RETURNED TO CALENDAR

Pursuant to Senate Rule 37, **Senate File 2177** was returned to the Regular Calendar from the committee on **State Government**.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2336 passed the Senate on March 3, 1982.

ARNE WALDSTEIN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5173 to House File 2336 was adopted by the Senate on March 3, 1982.

BERL E. PRIEBE

FURTHER REPORTS OF COMMITTEE MEETINGS

COMMERCE*

*A previous report of this meeting was recorded on page 574 of the Senate Journal.

Final Bill Action: SENATE FILE 2230 (SSB 2041), a bill for an act relating to the limitation on garnishment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Baugher, Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush. Nays, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2240 (SSB 2227) a bill for an act repealing the statutes relating to the sale of gas lamps and certain appliances equipped with a pilot light.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

COUNTY GOVERNMENT*

*A previous report of this meeting was recorded on page 574 of the Senate Journal.

Final Bill Action: SENATE FILE 2236 (SSB 2023), a bill for an act relating to expenditures for assessment appeals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Vande Hoef and Yenger. Nays, none. Voting Present, 1: Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2237, a bill for an act relating to the vaccination and licensure of dogs by providing for the issuance of vaccination tags, repealing licensure requirements, repealing provisions providing for the payment of damages from dog license fees, and subjecting violators to a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2238, a bill for an act relating to the levy of a property tax fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

JUDICIARY*

*A previous report of this meeting was recorded on page 575 of the Senate Journal.

Final Bill Action: SENATE FILE 2232, a bill for an act relating to profiting from inmates held in custody and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

TRANSPORTATION*

*A previous report of this meeting was recorded on page 575 of the Senate Journal.

Final Bill Action: SENATE FILE 2226 (SSB 2235), a bill for an act to allow the movement of two trailers drawn by a motor truck up to a combined length of eighty feet on certain highways from the place of manufacture or assembly in the state to a retail dealer's place of business in the state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Drake, Jensen, Coleman, Comito, Doyle, A. Miller and Nystrom. Nays, 1: Murray. Absent or not voting, 2: Bisenius and Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2231 (SSB 2236), a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Drake, Jensen, Coleman, Comito, A. Miller, Murray and Nystrom. Nays, none. Absent or not voting, 3: Bisenius, Doyle and Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

ENERGY

Convened: March 3, 1982, 1:45 p.m.

Members Present: Ramsey, Chair; Gallagher, Ranking Member; Anderson, Briles, Doyle, Kudart, Readinger (arrived 1:59 p.m.) and Yenger (arrived 1:58 p.m.).

Members Absent: Bisenius, Vice Chair and Rodgers (both excused).

Other Committee Business: Announced subcommittee assignments; discussed SSBs 2203 and 2204 and ordered redrafted by LSB.

Adjourned: 2:35 p.m.

JUDICIARY

Convened: March 2, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Murray, Ramsey, Small, Taylor and Lura (arrived 3:45 p.m.).

Members Absent: none.

Final Bill Action: SENATE FILE 2233 (SSB 2215), a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Murray, Lura, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Announced bills assigned to subcommittees.

Adjourned: 4:50 p.m.

NATURAL RESOURCES

Convened: March 3, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden and Hutchins.

Members Absent: Gallagher and Rodgers (excused).

Final Bill Action: SENATE FILE 2162, a bill for an act to prohibit the shooting of a shotgun with rifled slugs over public waters or public highways of the state or railroad rights-of-way.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart and Tieden. Nays, 1: Hutchins. Absent or not voting, 2: Gallagher and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2234 (SSB 2112), a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden and Hutchins. Nays, none. Absent or not voting, 2: Gallagher and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2235 (SSB 2193), a bill for an act to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden and Hutchins. Nays, none. Absent or not voting, 2: Gallagher and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:45 a.m.

STATE GOVERNMENT

Convened: March 4, 1982, 3:07 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles, Craft, Drake (arrived 3:12 p.m.), Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: Carr (excused).

Final Bill Action: SENATE FILE 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restrictions of certain proceedings and assessments.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Briles, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Carr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2353, a bill for an act to establish a regulatory information service in the Iowa development commission.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Nystrom, Lura, Briles, Craft, Drake, Gentleman, Schwengels and Tieden. Nays, 5: Slater, Gallagher, Hutchins, C. Miller and Palmer. Absent or not voting, 1: Carr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; reconsidered SSB 2016 as amended, reconsidered and defeated amendment and approved SSB 2016 in its original form as a committee bill; reconsidered House File 2353 as amended and reconsidered and defeated amendment.

Adjourned: 3:40 p.m.

WAYS AND MEANS

Convened: March 4, 1982, 1:40 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Hultman, Holden, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush and Taylor.

Members Absent: Van Gilst.

Final Bill Action: SENATE FILE 2239, a bill for an act exempting the sales of tickets or admissions to events sponsored by merged area educational institutions and any county or state fair board from the state sales, services and use tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura and Priebe. Nays, none. Absent or not voting, 5: Palmer, Ramsey, Rush, Taylor and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:20 p.m.

PRESENTATION OF VISITOR

The Chair welcomed the Honorable Thomas J. Dailey, former member of the Senate from Des Moines County, who was present in the Senate chamber.

AMENDMENTS FILED

S—5188	S. F.	2225	Bob Rush Patrick J. Deluhery
S—5189	H.F.	2334	Elvie L. Dreeszen
S—5190	S. F.	2131	Clarence S. Carney
S—5191	S. F.	2131	Clarence S. Carney
S—5192	S. F.	2219	Bob Rush
S—5193	H.F.	303	Arthur A. Small, Jr. C.W. Bill Hutchins John W. Jensen Richard Comito Dale L. Tieden Dick Ramsey
S—5194	S. F.	2210	Lucas J. DeKoster Norman J. Goodwin
S—5195	S. F.	2206	C.W. Bill Hutchins Emil J. Husak
S—5196	S. F.	2207	Bob Rush Arthur A. Small, Jr.
S—5197	S. F.	2178	James D. Wells
S—5198	S. F.	2221	Arne Waldstein
S—5199	S. F.	2206	Bob Rush
S—5200	H.F.	2334	Elvie L. Dreeszen

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:55 p.m., until 9:00 a.m., Friday, March 5, 1982.

JOURNAL OF THE SENATE

FIFTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 5, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Honorable Forrest V. Schwengels, member of the Senate from Jefferson County, Fairfield, Iowa.

The Journal of Thursday, March 4, 1982, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2372, a bill for an act relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

CONSIDERATION OF BILLS (Noncontroversial Calendar)

Senate File 2192

On motion of Senator Carr, Senate File 2192, a bill for an act relating to prison industries by changing the membership of the

prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry, was taken up for consideration.

Senator Carr moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2192) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senate File 2193

On motion of Senator Priebe, Senate File 2193, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund, was taken up for consideration.

Senator Priebe asked and received unanimous consent that further action on **Senate File 2193** be deferred.

House File 2147

On motion of Senator DeKoster, House File 2147, a bill for an act changing the date for the organizational meeting of the board of directors of a merged area, with report of committee recommending passage, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2147) the vote was:

Ayes, 47:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senate File 2037

On motion of Senator Doyle, Senate File 2037, a bill for an act to require a bond from a person who provides a handling service for a dealer or a person operating a redemption center and to provide a penalty for violations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rodgers offered amendment S—5150 filed by the committee on Natural Resources on February 24, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5150 was adopted by a voice vote.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2037) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

House File 2003

On motion of Senator Dreeszen, House File 2003, a bill for an act to legalize the sale of certain property in Rolfe, Pocahontas county, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Dreeszen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2003) the vote was:

Ayes, 44:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.

Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 2:

DeKoster	Ramsey
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Absent or not voting, 4:

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

Senate File 2201

On motion of Senator Coleman, Senate File 2201, a bill for an act to authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax, was taken up for consideration.

Senator Doyle offered amendment S—5181 filed by him on March 3, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5181 was adopted by a voice vote.

Senator Coleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2201) the vote was:

Ayes, 47:

Baughner	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Anderson Bisenius Comito

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

Senate File 2207

On motion of Senator DeKoster, Senate File 2207, a bill for an act creating a commission to appoint the state appellate defender, was taken up for consideration.

Senator Rush offered amendment S—5196 filed by Senators Rush and Small on March 4, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5196 was adopted by a voice vote.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2207) the vote was:

Ayes, 47:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Bisenius Comito Slater

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

Senate File 2208

On motion of Senator DeKoster, Senate File 2208, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2208) the vote was:

Ayes, 47:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

House File 2067

On motion of Senator Lura, House File 2067, a bill for an act to change the procedures relating to failure to renew a license issued by the board of accountancy, with report of committee recommending passage, was taken up for consideration.

Senator Lura moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2067) the vote was:

Ayes, 44:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Bisenius	Comito	Craft	Hutchins
Jensen	Slater		

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

House File 2224

On motion of Senator Brown, House File 2224, a bill for an act relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency, with report of committee recommending passage, was taken up for consideration.

Senator Brown moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2224) the vote was:

Ayes, 43:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Husak	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.

Murray	Nystrom	Palmer	Priebe
Ramsey	Rodgers	Rush	Schwengels
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 7:

Bisenius	Comito	Hester	Hutchins
Readinger	Slater	Small	

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

House File 2348

On motion of Senator Tieden, House File 2348, a bill for an act to permit the board of podiatry examiners to issue a temporary certificate to practice podiatry, with report of committee recommending passage, was taken up for consideration.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2348) the vote was:

Ayes, 41:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 3:

DeKoster	Holden	Taylor
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Absent or not voting, 6:

Bisenius	Comito	Craft	Hester
Miller, A.V.	Slater		

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

Senate File 2209

On motion of Senator Kudart, Senate File 2209, a bill for an act relating to the time limitation for the administration of an estate including documentation of title, was taken up for consideration.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2209) the vote was:

Ayes, 48:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Bisenius Comito

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

Senate File 2210

On motion of Senator Goodwin, Senate File 2210, a bill for an act relating to the enforcement of the Iowa state elevator code, and providing a civil penalty, was taken up for consideration.

Senator DeKoster offered amendment S—5194 filed by Senators DeKoster and Goodwin on March 4, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5194 was adopted by a voice vote.

Senator Goodwin moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2210) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senate File 2212

On motion of Senator Holden, Senate File 2212, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter, was taken up for consideration.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2212) the vote was:

Ayes, 40:

Anderson	Baughner	Brown	Carney
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Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 6:

Carr	Coleman	Lura	Rodgers
Slater	Small		

Absent or not voting, 4:

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

Senate File 2213

On motion of Senator Vande Hoef, Senate File 2213, a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district, was taken up for consideration.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2213) the vote was:

Ayes, 43:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Craft	Deluhery
Doyle	Drake	Gallagher	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Gentleman

Absent or not voting, 6:

Bisenius	Briles	Comito	DeKoster
Dreeszen	Holden		

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

Senate File 2215

On motion of Senator Schwengels, Senate File 2215, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement, was taken up for consideration.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2215) the vote was:

Ayes, 45:

Anderson	Briles	Brown	Carney
Coleman	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 1:

Carr

Absent or not voting, 4:

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

Senate File 2219

On motion of Senator Yenger, Senate File 2219, a bill for an act authorizing a county having a population of two hundred fifty thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter, to be effective upon publication, was taken up for consideration.

Senator Coleman asked unanimous consent that further action on Senate File 2219 be deferred.

Senator Coleman withdrew his request.

Senator Rush offered amendment S—5192 filed by him on March 4, 1982, to page 1 and the title page of the bill.

Senator Small withdrew amendment S—5204 filed by him from the floor to amendment S—5192.

Senator Gallagher asked and received unanimous consent that further action on **Senate File 2219** and amendment S—5192 be deferred until March 8, 1982, at 4:00 p.m.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2120

Senator Small withdrew the motion to reconsider Senate File 2120, a bill for an act relating to the amount of land owned by a merged area, filed by him on March 1, 1982, and found on page 546 of the Senate Journal.

MOTION TO RECONSIDER ADOPTED

Senator Hultman asked and received unanimous consent to call up the motion to reconsider Senate File 2130, filed by him on March 4, 1982, found on page 581 of the Senate Journal and moved its adoption.

A record roll call was taken.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2130) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, 1:

Tieden

Absent or not voting, 3:

Bisenius	Kudart	Wells
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The motion prevailed.

Senator Hultman moved to reconsider the vote by which Senate File 2130 went to its last reading, which motion prevailed by a voice vote.

Senate File 2130

On motion of Senator Murray, Senate File 2130, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229, was taken up for reconsideration.

Senator Murray asked and received unanimous consent that House File 2240 be substituted for Senate File 2130.

House File 2240

On motion of Senator Murray, House File 2240, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229, was taken up for consideration.

Senator Coleman offered amendment S—5203 filed by Senators Coleman and Murray from the floor to page 2 of the bill and moved its adoption.

Amendment S—5203 was adopted by a voice vote.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2240) the vote was:

Ayes, 45:

Baugher	Briles	Brown	Carney
Carr	Coleman	Comito	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Anderson	Bisenius	Craft	Kudart
Rush			

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

Senator Murray asked and received unanimous consent that **Senate File 2130** be **withdrawn** from further consideration of the Senate.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2203

Senator Gentleman withdrew the motion to reconsider Senate File 2203, a bill for an act relating to appropriations contained in

the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction, filed by her on March 3, 1982, and found on page 576 of the Senate Journal.

BILL REFERRED TO COMMITTEE

President Branstad announced that **Senate File 2233** was referred from the Regular Calendar to the committee on **Appropriations** under Senate Rule 37.

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 110

By: Gratas and Brown

1 *Whereas*, learning disability and dyslexia, as well
2 as other forms of school underachievement, require a
3 multi-disciplinary approach from medicine, education,
4 and psychology in diagnosis and treatment. Eye care
5 should never be instituted in isolation when a patient
6 has a reading problem. Children with learning dis-
7 abilities have the same incidence of ocular abnormalities,
8 such as refractive errors and muscle imbalance, as
9 children who are normal achievers and reading at grade
10 level and these abnormalities should be corrected; and

11 *Whereas*, since clues in word recognition are trans-
12 mitted through the eyes to the brain, it has become
13 practice to attribute reading difficulties to subtle
14 ocular abnormalities presumed to cause faulty visual
15 perception and studies have shown that there is no
16 peripheral eye defect which produces dyslexia and
17 associated learning disabilities. Eye defects do not
18 cause reversals of letters, words, or numbers; and

19 *Whereas*, no known scientific evidence supports claims
20 for improving the academic abilities of learning-disabled
21 or dyslexic children with treatment based solely on
22 visual training (muscle exercises, ocular pursuit,
23 glasses) and neurologic organizational training
24 (laterality training, balance board, perceptual training).
25 Furthermore, such training has frequently resulted in
26 unwarranted expense and has delayed proper instruction
27 for the child; and

28 *Whereas*, excluding correctable ocular defects, glasses
29 have no value in the specific treatment of dyslexia or
30 other learning problems. In fact, unnecessarily prescribed

Page 2

1 glasses may create a false sense of security that may
2 delay needed treatment; *Now Therefore,*
3 *Be It Resolved by the Senate,* That the teaching of
4 learning-disabled and dyslexic children is a problem
5 of educational science. No one approach is applicable
6 to all children. A change in any variable may result
7 in increased motivation of the child and reduced
8 frustration. Parents should be made aware that mental
9 level and psychological implications are contributing
10 factors to a child's success or failure. Ophthalmologists
11 and other medical specialists should offer their
12 knowledge.

Read first time and passed on file.

INTRODUCTION OF BILL

Senate File 2241, by Committee on Judiciary, a bill for an act relating to fire safety, and providing penalties.

Read first time and placed on calendar.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 105

Ways and Means
Readinger, Chair
Taylor
Husak

SENATE FILE 2179

Ways and Means
Lura, Chair
Palmer
Readinger

SENATE FILE 2185

Ways and Means
Taylor, Chair
Palmer
Hester

SENATE FILE 2200

Natural Resources
Schwengels, Chair
Tieden
Van Gilst

HOUSE FILE 809

Natural Resources
Kudart, Chair
Goodwin
Van Gilst

HOUSE FILE 2158

Judiciary
Ramsey, Chair
Baugher
Murray
Doyle
Coleman

HOUSE FILE 2340

Judiciary
Rush, Chair
Kudart
Carr

SENATE FILE 446

Judiciary
Rush, Chair
Kudart
Small

SENATE FILE 2181

Ways and Means
Craft, Chair
Readinger
Rodgers

SENATE FILE 2198

Education
Small, Chair
Dreeszen
DeKoster

SENATE FILE 2218

State Government
Tieden, Chair
Schwengels
Slater

HOUSE FILE 2059

Commerce
Holden, Chair
Craft
Rush

HOUSE FILE 2335

Judiciary
Ramsey, Chair
DeKoster
Murray
Doyle
Coleman

HOUSE FILE 2353

State Government
Hutchins, Chair
Schwengels
Lura

HOUSE FILE 2355

Labor and Industrial Relations
Hultman, Chair
Goodwin
Kinley

SSB 2217

Ways and Means
Hester, Chair
Rodgers
Lura

SSB 2219

Energy
Ramsey, Chair
Briles
Rodgers

SSB 2221

Agriculture
Hulse, Chair
Hutchins
Hester

SSB 2223

Education
Gratias, Chair
Brown
Jensen

SSB 2225

State Government
Schwengels, Chair
Briles
Slater

SSB 2227

Commerce
Baugher, Chair
Jensen
Priebe

SSB 2229

Ways and Means
Lura, Chair
Craft
Palmer

HOUSE FILE 2359

Judiciary
Dreeszen, Chair
Murray
Rush

SSB 2218

Ways and Means
Hester, Chair
Rodgers
Lura

SSB 2220

Agriculture
Vande Hoef, Chair
Hester
Husak

SSB 2222

Agriculture
Taylor, Chair
Husak
A. Miller

SSB 2224

Education
Carney, Chair
Dreeszen
Wells

SSB 2226

Natural Resources
Schwengels, Chair
Gentleman
Van Gilst

SSB 2228

Commerce
DeKoster, Chair
Comito
Rush

SSB 2230

Ways and Means
Holden, Chair
Rush
Hester

SSB 2232

Judiciary
Kudart, Chair
Coleman
Lura

SSB 2236

Transportation
Jensen, Chair
Drake
Hutchins

SSB 2234

State Government
Tieden, Chair
Schwengels
Gallagher

SSB 2237

Judiciary
Doyle, Chair
Murray
Rush
Taylor
Ramsey

BILL RETURNED TO CALENDAR

Pursuant to motion by Senator Hultman on March 1, 1982, **Senate File 446** was returned to the Regular Calendar from the committee on **Judiciary**.

STUDY BILL RECEIVED**S.S.B. 2243 Energy**

Relating to the imposition of an additional excise tax on the use of certain vehicles subject to registration and providing penalties.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. J. R.	2003	Ways and Means
S. F.	2227	Cities
S. F.	2228	Energy
S. C.R.	104	Rules and Administration
H.F.	2369	Judiciary

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2037 passed the Senate on March 5, 1982.

RICHARD VANDE HOEF

**FURTHER
REPORT OF COMMITTEE MEETING**

JUDICIARY*

*A previous report of this meeting was recorded on page 575 of the Senate Journal.

Final Bill Action: SENATE FILE 2241 (SSB 2078), a bill for an act relating to fire safety, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: March 4, 1982, 3:00 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells.

Members Absent: none.

Other Committee Business: Assigned bills to subcommittees; approved SSB 2224 and Senate File 2223 as committee bills; amended and approved Senate Files 368 and 2078 as committee bills; Senate File 2111 as amended and redrafted, failed recommendation for passage.

Adjourned: 3:55 p.m.

HUMAN RESOURCES

Convened: March 4, 1982, 1:38 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member; Carr, Coleman, Drake, Gratias, Hulse, A. Miller, Nystrom (arrived 2:05 p.m.), Slater and Vande Hoef.

Members Absent: none.

Other Committee Business: Discussed SSB 2212.

Adjourned: 2:15 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 4, 1982, 8:25 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratijs, Hultman and Wells.

Members Absent: Kinley.

Other Committee Business: Discussed House File 2355.

Adjourned: 8:42 a.m.

NATURAL RESOURCES

Convened: March 4, 1982, 1:00 p.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers.

Members Absent: Van Gilst, Ranking Member.

Other Committee Business: Discussed Senate File 2166.

Adjourned: 1:30 p.m.

AMENDMENTS FILED

S—5201	S. F.	2221	Arne Waldstein
S—5202	S. F.	2178	Edgar H. Holden
S—5203	H.F.	2240	C. Joseph Coleman John S. Murray
S—5204	S. F.	2219	Arthur A. Small, Jr.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:30 a.m., until 1:00 p.m., Monday, March 8, 1982.

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 8, 1982

The Senate met in regular session at 1:00 p.m., Senator Carney presiding.

Prayer was offered by Father Lloyd W. White, pastor of the St. Rose of Lima Catholic Church, Denison, Iowa.

The Journal of Friday, March 5, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ashton McCrary, M.D., Lake City, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 4, 1982, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 119

By: Doderer, Poffenberger, Baxter, Carl, Lonergan, Hoffmann-Bright, Brandt, Carpenter, Smith, Trucano, Binneboese, Connolly, Harbor, Pavich, Fey, Poncy, Conlon, Connors, Hansen of O'Brien, O'Kane, Norland, Bruner, Rosenberg, Howell, Lloyd-Jones, Clark of Cerro Gordo, Jochum, Rapp, Clements, Byerly, Jay, Chiodo, Running, Horn, Davitt, Sullivan, Dieleman, Gettings, Renaud, Cochran, Swartz, Groth, Anderson of Jasper, Corey, Sturgeon, Avenson, Egenes, Arnould, Mullins, Crabb, McKean, Mann, Lageschulte, Smalley, Van Maanen

- 1 *Whereas*, the achievements and contributions of
- 2 women have too often been overlooked in standard
- 3 history textbooks, classrooms, and research; and
- 4 *Whereas*, American women have played and continue
- 5 to play a critical economic, political, and social
- 6 role in our Nation's life; and
- 7 *Whereas*, the General Assembly is proud of
- 8 women who have had a significant impact on state and
- 9 national events and is especially proud of Iowa

10 women who have excelled in many fields such as
11 Jessie Shambaugh, who was the founder of the 4-H
12 movement; Carolyn Pendray, the Iowa legislator who
13 was the first woman elected to the General Assembly
14 in both the House and the Senate and who spearheaded
15 property rights for married women; Arabella Mansfield,
16 the first woman lawyer in the United States; Cora
17 Bussey Hillis, famous for her effective campaigns
18 for the betterment of child care; Ruth Buxton Sayre,
19 who attained national and international recognition
20 by championing a better way of life for rural people;
21 Agnes Samuelson, who served as state superintendent
22 of public instruction for many years; Carrie Chapman
23 Catt, who is credited with the final success of the
24 nineteenth amendment to the United States Constitution
25 granting women the vote; Annie Wittenmyer, known as
26 Iowa's wartime heroine in the Civil War who improved
27 diets and sanitation of our soldiers and cared for
28 that war's orphans; and Amelia Bloomer, lecturer
29 and organizer of the women's suffrage movement; and
30 *Whereas*, American women of every race, class, and

Page 2

1 ethnic background served as early leaders in the
2 forefront of every major progressive social change
3 movement, not only to secure their own right of
4 suffrage and equal opportunity, but also in the
5 abolitionist movement, the emancipation movement,
6 the industrial labor union movement, and the modern
7 civil rights movement; and
8 *Whereas*, the Congress of the United States is
9 recognizing the week of March 7, 1982 as "Women's
10 History Week" and the Iowa General Assembly is
11 equally proud of the contributions of women to
12 the history of this state and nation; *Now Therefore*,
13 *Be It Resolved by the House of Representatives*,
14 *The Senate Concurring*, That the week of March 7, 1982,
15 be recognized by the General Assembly as "Women's
16 History Week" and that the achievements and contribu-
17 tions of American women be emphasized so that all
18 Iowans can be informed of the impact of these
19 achievements and contributions to the state and
20 this nation.

This resolution was read first time and passed on file.

ALSO: That the House has on February 22, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2356, a bill for an act providing for the definition of the term "small business" wherever the term is used in the Code unless a different definition is specifically provided.

ALSO: That the House has on March 4, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2360, a bill for an act to exempt travel trailers from the regulation of mobile home parks.

House File 2361, a bill for an act relating to the access of a spouse to the medical records of a mental health patient.

House File 2362, a bill for an act relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes, including provision for a variable interest rate for underpayment or overpayment on estimated payments of corporate income and franchise taxes, and making the Act retroactive to January 1, 1982, effective upon publication.

House File 2365, a bill for an act relating to the testimony of a husband or wife as a witness against the other.

House File 2368, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges.

House File 2371, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

House File 2374, a bill for an act relating to escape from a detention facility or institution and providing a penalty.

House File 2382, a bill for an act relating to the identification of the location of wells.

House File 2390, a bill for an act permitting merged areas to combine the positions of secretary and treasurer.

House File 2391, a bill for an act to limit payment of per diem and expenses at special sessions to members of the general assembly who are in attendance and file claims.

House Files 2360—2391 were read first time and passed on file.

ALSO: That the House has on March 4, 1982, passed (with amendment H—5296 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

House File 2373, a bill for an act relating to the continuation of the activities and functions of the energy policy council, changing the date of the submission of the council's required report, and eliminating the requirement that public recognition for innovative energy conservation methods be given to ten categories of individuals and organizations in each congressional district.

This bill was read first time and passed on file.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rush for the day on request of Senator Junkins.

WITHDRAWN

Senator Junkins asked and received unanimous consent that **Senate File 2169** be withdrawn from further consideration of the Senate.

RECESS

On motion of Senator Nystrom, the Senate recessed at 1:08 p.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Nystrom presiding.

INTRODUCTION OF BILLS

Senate File 2242, by Committee on Commerce, a bill for an act relating to a life insurance company's investment of funds for legal reserve purposes.

Read first time and placed on calendar.

Senate File 2243, by Committee on Natural Resources, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

Read first time and placed on calendar.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dreeszen, Lura, Hester and Holden for the afternoon session on request of Senator Hultman; Senator Rush for March 9, 1982, on request of Senator Junkins.

CONSIDERATION BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2177.

Senate File 2177

On motion of Senator Carney, Senate File 2177, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties, was taken up for consideration.

Senator Carney asked and received unanimous consent that **Senate File 2131** be substituted for **Senate File 2177**.

Senate File 2131

On motion of Senator Carney, Senate File 2131, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and

duties, with report of committee recommending passage, was taken up for consideration.

Senator Carney offered amendment S—5191 filed by him on March 4, 1982, to pages 4, 6, 11 and 20 of the bill and moved its adoption.

Amendment S—5191 was adopted by a voice vote.

Senator Carney offered amendment S—5190 filed by him on March 4, 1982, to pages 21 and 22 of the bill and moved its adoption.

Amendment S—5190 was adopted by a voice vote.

Senator Carney asked and received unanimous consent that **House File 2377** be substituted for **Senate File 2131**, as amended.

House File 2377

On motion of Senator Carney, House File 2377, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties and providing that the Act takes effect upon its publication, was taken up for consideration.

President Branstad took the chair at 4:20 p.m.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2377) the vote was:

Ayes, 39:

Anderson	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Gallagher
Gentleman	Goodwin	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 11:

Baughner	Bisenius	Comito	Dreeszen
Gratias	Hester	Holden	Hultman
Lura	Murray	Rush	

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

Senator Carney asked and received unanimous consent that **Senate Files 2131 and 2177** be **withdrawn** from further consideration of the Senate.

Senator Nystrom asked and received unanimous consent to take up out of order Senate File 2194.

Senate File 2194

On motion of Senator Priebe, Senate File 2194, a bill for an act restricting the burning of vegetation within rights-of-way of public roads and other public land and to provide a penalty for violations, was taken up for consideration.

Senator Priebe moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2194) the vote was:

Ayes, 39:

Anderson	Baughner	Briles	Brown
Carney	Carr	DeKoster	Deluhery
Doyle	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Small	Taylor	Tieden	Van Gilst
Waldstein	Wells	Yenger	

Nays, 2:

Coleman	Vande Hoef
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Absent or not voting, 9:

Bisenius	Comito	Craft	Dreeszen
Hester	Holden	Hultman	Lura
Rush			

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

Senator Nystrom asked and received unanimous consent to take up out of order Senate File 2197.

Senate File 2197

On motion of Senator Murray, Senate File 2197, a bill for an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody, was taken up for consideration.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2197) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Wells	Yenger

Nays, none.

Absent or not voting, 10:

Bisenius	Comito	Dreeszen	Hester
Holden	Hultman	Lura	Rush
Vande Hoef	Waldstein		

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

Senator Nystrom asked and received unanimous consent to take up out of order Senate File 2204.

Senate File 2204

On motion of Senator Kudart, Senate File 2204, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis, was taken up for consideration.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2204) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Wells	Yenger

Nays, 3:

Priebe	Vande Hoef	Waldstein
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Absent or not voting, 7:

Bisenius	Comito	Dreeszen	Hester
Holden	Lura	Rush	

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

Senate File 2216

On motion of Senator Gallagher, Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program, was taken up for consideration.

Senator Gallagher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2216) the vote was:

Ayes, 41:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hulse
Hultman	Husak	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Bisenius	Comito	Craft	Dreeszen
Hester	Holden	Jensen	Lura
Rush			

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 2093** be withdrawn from further consideration of the Senate.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 4, 1982, the Governor approved and transmitted to the Secretary of the State the following bill:

S. F. 213—Relating to the members of the Iowa Beer and Liquor Control Council.

ALSO:

That on March 8, 1982, the Governor approved and transmitted to the Secretary of State the following bills:

H.F. 823—Relating to the requirements for giving a notice to cure in a consumer credit transaction.

H.F. 829—Relating to the investigations, communications and reports of the Citizens' Aide Office.

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 8th day of March, 1982:

Senate Files 217 and 399.

K. MARIE THAYER
Secretary of the Senate

STUDY BILLS RECEIVED

S.S.B. 2244 State Government

To establish the Terrace Hill authority.

S.S.B. 2245 Judiciary

To legalize and validate the proceedings of Lee County, in connection with the purchase and subsequent conveyance of

property located in Block Sixteen (16) of the Original City of Keokuk, Lee County, Iowa, at a Scavenger Tax Sale.

S.S.B. 2246 Commerce

An act relating to financial institutions.

S.S.B. 2247 Commerce

Requiring that policies of accident and health insurance make available coverage for the treatment of chemical dependency and substance abuse, making penalties applicable, and providing an effective date.

EXPLANATION OF VOTE

MR. PRESIDENT: I was in a conference in the Governor's office when the vote was taken on House File 2377 on March 8, 1982.

Had I been present, I would have voted "aye".

ARTHUR L. GRATIAS

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. R.	110	Human Resources
H.F.	2372	Education

**FURTHER
REPORT OF COMMITTEE MEETING**

NATURAL RESOURCES*

*A previous report of this meeting was recorded on page 622 of the Senate Journal.

Final Bill Action: SENATE FILE 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Schwengels, Goodwin, Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers. Nays, none. Absent or not voting, 1: Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF COMMITTEE MEETING

COMMERCE

Convened: March 8, 1982, 3:00 p.m.

Members Present: Baugher, Vice Chair; Deluhery, Ranking Member; Comito, DeKoster, Husak, Jensen and Priebe.

Members Absent: Holden, Chair; Rush and Craft.

Final Bill Action: SENATE FILE 2242 (SSB 2015), a bill for an act relating to a life insurance company's investment of funds for legal reserve purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Baugher, Deluhery, DeKoster, Comito, Husak, Jensen and Priebe. Nays, none. Absent or not voting, 3: Holden, Rush and Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; discussed SSB 2228 and ordered it redrafted by LSB.

Adjourned: 3:15 p.m.

PETITIONS

The following petitions were presented and placed on file by:

Senator Craft from two hundred ninety-eight residents of Tama, Wayne, Scott and Des Moines Counties favoring legislation for the protection of Iowa prairie lands.

AMENDMENTS FILED

S—5205	H.F.	796	Donald V. Doyle
S—5206	S. F.	2162	C.W. Bill Hutchins
S—5207	S. F.	2233	Lucas J. DeKoster

S—5208	S. F.	2162	Dale L. Tieden
S—5209	H.F.	833	Joe Brown
			Norman Rodgers

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:50 p.m., until 9:00 a.m., Tuesday, March 9, 1982.

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 9, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by Sister Peggy Murphy, Principal at St. Joseph's School, Marion, Iowa.

The Journal of Monday, March 8, 1982, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 5, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 2175, a bill for an act revising the Iowa code of military justice including providing penalties.

Senate File 2183, a bill for an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

ALSO: That the House has on March 5, 1982, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 772, a bill for an act establishing a hunter safety and ethics education program and subjecting violators to a penalty, to be effective July 1, 1983.

ALSO: That the House has on March 5, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2385, a bill for an act relating to the confidentiality of the application, affidavits and order for a nontestimonial identification.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2244, by Committee on Education, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Read first time and placed on calendar.

Senate File 2245, by Committee on Human Resources, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses.

Read first time and placed on calendar.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2178.

Senate File 2178

On motion of Senator Nystrom, Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems, was taken up for consideration.

Senator Nystrom offered amendment S—5183 filed by him on March 3, 1982, to pages 1, 6, 7, 9 through 12, 18 and 19 of the bill and moved its adoption.

Amendment S—5183 was adopted by a voice vote.

Senator Holden offered amendment S—5202 filed by him on March 4, 1982, to pages 6 and 7 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5202 be adopted?" (S.F. 2178) the vote was:

Ayes, 14:

Carney	DeKoster	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden

Hulse	Ramsey	Taylor	Tieden
Vande Hoef	Waldstein		

Nays, 32:

Anderson	Baughner	Brown	Carr
Comito	Craft	Deluhery	Doyle
Drake	Gallagher	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Schwengels	Slater
Small	Van Gilst	Wells	Yenger

Voting present, 1:

Coleman

Absent or not voting, 3:

Bisenius	Briles	Rush
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Amendment S—5202 lost.

Senator Wells offered amendment S—5197 filed by him on March 4, 1982, to page 13 of the bill and moved its adoption.

Amendment S—5197 was adopted by a voice vote.

Senator Murray raised the point of order that Senate File 2178 carried an expenditure 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 2178** was referred to the committee on **Appropriations** under Senate Rule 37.

UNFINISHED BUSINESS (Deferred March 5, 1982)

Senate File 2219

The Senate resumed consideration of Senate File 2219, a bill for an act authorizing a county having a population of two hundred fifty thousand or more to establish a county charter commission specifying the powers and duties of the charter commission, and providing for the adoption of a county charter, to be effective upon

publication, and amendment S—5192 by Senator Rush, deferred on March 5, 1982.

Senator Hultman asked and received unanimous consent to withdraw amendment S—5192 to page 1 and the title page of the bill.

Senator Yenger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2219) the vote was:

Ayes, 47:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Hester

Absent or not voting, 2:

Bisenius

Rush

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 364** be withdrawn from further consideration of the Senate.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2195.

Senate File 2195

On motion of Senator Holden, Senate File 2195, a bill for an act relating to financial transactions involving the payment of interest, was taken up for consideration.

Senator Brown took the chair at 10:50 a.m.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2195) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Carney
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 5:

Brown	Carr	Gallagher	Palmer
Slater			

Voting present, 3:

Coleman	Hulse	Hultman
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Absent or not voting, 2:

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

INTRODUCTION OF BILL

Senate File 2246, by Committee on State Government, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons.

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

RECESS

On motion of Senator Hultman, the Senate recessed at 11:00 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

INTRODUCTION OF BILLS

Senate File 2247, by Committee on Education, a bill for an act to authorize the establishment of nonprofit foundations by the boards of area schools.

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

Senate File 2248, by Committee on Education, a bill for an act relating to resubmission of bond issues by school districts.

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

Senate File 2249, by Committee on Education, a bill for an act to exempt from the requirement that lease agreements of merged areas be approved by the state board of public instruction those lease agreements that extend for less than ten years and for less than twenty-five thousand dollars per year.

Read first time and placed on calendar.

Senate File 2250, by Committee on Rules and Administration, a bill for an act relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code.

Read first time and placed on calendar.

Senate File 2251, by Committee on Ways and Means, a bill for an act relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring notice of changes in motor vehicle fuel type, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas.

Read first time and placed on calendar.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 5, 1982, passed the following bill in which the concurrence of the House was asked:

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

ALSO: That the House has on February 24, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations.

This bill was read first time and passed on file.

ALSO: That the House has on March 4, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2346, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate.

This bill was read first time and **passed on file.**

House File 2364, a bill for an act relating to theft of a motor vehicle and providing a penalty.

This bill was read first time and **passed on file.**

House File 2376, a bill for an act relating to the boundary lines of merged areas and area education agencies and providing that the Act takes effect upon its publication.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 4, 1982 (with amendment H—5308 adopted) passed the following bill in which the concurrence of the Senate is asked:

House File 2358, a bill for an act relating to the regulation of insurance to the extent of amending or repealing provisions in Code sections 515.34, 515.35, 515B.5, 521A.2 and 521A.3 to provide for the regulation of the investments of insurance companies other than life, to modify the maximum liability of the Iowa insurance guaranty association, and to remove certain provisions regulating insurance holding companies.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 5, 1982 (with amendments H—5318 and H—5327 adopted) passed the following bill in which the concurrence of the Senate is asked:

House File 2384, a bill for an act to change references in the Code to the Iowa state sheep association to the Iowa sheep council.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 5, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2380, a bill for an act relating to insolvent insurers.

This bill was read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Briles for the afternoon session on request of Senator Hultman

**CONSIDERATION OF RESOLUTION
(Regular Calendar)**

Senate Concurrent Resolution 102

On motion of Senator Hester, Senate Concurrent Resolution 102, a resolution stating that the state of Iowa urges a greater federal funding increase for highway programs, filed February 23, 1982, and found on pages 480-481 of the Senate Journal, was taken up for consideration.

Senator Hester offered amendment S—5215 filed by him from the floor to pages 1 and 2 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 32, nays 11.

Amendment S—5215 was adopted.

Senator Hester moved the adoption of Senate Concurrent Resolution 102.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.C.R. 102) the vote was:

Ayes, 41:

Anderson	Baughner	Carney	Coleman
Comito	Craft	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 6:

Brown	Carr	DeKoster	Deluhery
Slater	Small		

Absent or not voting, 3:

Bisenius

Briles

Rush

The motion prevailed and the resolution was adopted.

BILL ASSIGNED TO COMMITTEE

President Branstad announced that **House File 2357** was assigned to the committee on **Cities**.

BILL REASSIGNED TO COMMITTEE

President Branstad announced that **Senate Resolution 110** was reassigned from the committee on Human Resources to the committee on **Education**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order **Senate File 2109**.

Senate File 2109

On motion of Senator Baugher, **Senate File 2109**, a bill for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hutchins offered amendment S—5160 filed by the committee on State Government on February 25, 1982, to page 1 of the bill.

Senator Priebe asked and received unanimous consent that further action on **Senate File 2109** and amendment S—5160 be **deferred**.

APPENDIX**STUDY BILLS RECEIVED****S.S.B. 2248 Judiciary**

To legalize and validate the proceedings of the board of directors of the Iowa western community college (merged area XIII) in the counties of Adair, Adams, Audubon, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby in connection with certain contracts to construct and to lease facilities with purchase option effective upon publication.

S.S.B. 2249 State Government

Relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

S.S.B. 2250 Natural Resources

Relating to the statements filed with the county recorder regarding soil conservation practices established with state cost-sharing fund.

COMMUNICATION

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

DEPARTMENT OF HEALTH

The 1981 State Health Plan, prepared by the Office for Health Planning and Development, Iowa State Department of Health, following a mandate established by Congress in the National Health Planning and Resource Development Act of 1974 for statewide health planning.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2360	Human Resources
H.F.	2361	Human Resources

H.F.	2362	Ways and Means
H.F.	2365	Judiciary
H.F.	2368	Judiciary
H.F.	2371	State Government
H.F.	2373	Energy
H.F.	2374	Judiciary
H.F.	2382	Natural Resources
H.F.	2390	Education
H.F.	2391	State Government
H.C.R.	119	Human Resources

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 8, 1982.

Had I been present, I would have voted "aye" on Senate File 2197.

ARNE WALDSTEIN

FURTHER REPORTS OF COMMITTEE MEETINGS

EDUCATION*

*A previous report of this meeting was recorded on page 622 of the Senate Journal.

Final Bill Action: SENATE FILE 2244 (SSB 2224), a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gratiias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

STATE GOVERNMENT*

*A previous report of this meeting was recorded on page 599 of the Senate Journal.

Final Bill Action: SENATE FILE 2246 (SSB 2016), a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons.

Recommendation: APPROVED COMMITTEE BILL

Final Vote: Ayes, 9: Nystrom, Lura, Craft, Drake, Gallagher, Gentleman, Hutchins, Schwengels and Tieden. Nays, 4: Slater, Briles, C. Miller and Palmer. Absent or not voting, 1: Carr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES**

Convened: March 8, 1982, 10:22 a.m.

Members Present: A. Miller.

Members Absent: Yenger, Chair (excused); Husak, Ranking Member; Readinger and Kudart (excused).

Other Committee Business: Discussed homemaker services proposed bill draft and Commission on Aging community based adult services project.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 8, 1982, 10:18 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Michael Reagen, Commissioner, Iowa Department of Social Services, gave review of Human Service Planning Council's program; discussed Co-Chair Fiscal '83 supplemental line item figures for all DSS programs.

Adjourned: 11:45 a.m.

EDUCATION

Convened: March 8, 1982, 1:30 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Jensen, Taylor and Wells.

Members Absent: Dreeszen and Small.

Final Bill Action: SENATE FILE 2247 (SSB 2223), a bill for an act to authorize the establishment of nonprofit foundations by the boards of area schools.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Gratiyas, Carney, Brown, Anderson, DeKoster, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 2: Dreeszen and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2248, a bill for an act relating to resubmission of bond issues by school districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Carney, Brown, Anderson, Jensen, Taylor and Wells. Nays, 2: Gratiyas and DeKoster. Absent or not voting, 2: Dreeszen and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2249, a bill for an act to exempt from the requirement that lease agreements of merged areas be approved by the state board of public instruction those lease agreements that extend for less than ten years and for less than twenty-five thousand dollars per year.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Gratiyas, Carney, Brown, Anderson, DeKoster, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 2: Dreeszen and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed SSB 2147—deferred action; discussed alternate to the school year calendar and appointed Senators DeKoster, Taylor and Brown to work with the DPI in drafting a bill to be presented to the Education committee at the next meeting.

Adjourned: 2:10 p.m.

HUMAN RESOURCES

Convened: March 8, 1982, 3:08 p.m.

Members Present: Gentleman, Chair; C. Miller, Ranking Member; Carr, Coleman, Gratiyas, Hulse, A. Miller, Slater and Vande Hoef.

Members Absent: Yenger, Vice Chair (excused); Drake and Nystrom (excused).

Final Bill Action: SENATE FILE 2245 (SSB 2212), a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gentleman, C. Miller, Carr, Coleman, Gratias, Hulse, A. Miller, Slater and Vande Hoef. Nays, none. Absent or not voting, 3: Yenger, Drake and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed Senate File 2127.

Adjourned: 3:39 p.m.

JUDICIARY

Convened: March 9, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: Rush, Ranking Member and Deluhery (excused).

Final Bill Action: HOUSE FILE 748, a bill for an act requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders.

Recommendation: DO PASS.

Final Vote: Ayes, 12: DeKoster, Kudart, Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Rush and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 4:10 p.m.

RULES AND ADMINISTRATION

Convened: March 9, 1982, 8:30 a.m.

Members Present: Hultman, Chair; Hulse, Vice Chair; Kinley, Ranking Member; Holden, Junkins and Ramsey.

Members Absent: none.

Final Bill Action: SENATE FILE 2250, a bill for an act relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Holden, Junkins and Ramsey. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE RESOLUTION 109, a resolution appointing a study committee on gubernatorial appointments.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Holden, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Announced subcommittee assignments; discussed Governor's appointments and administrative policies.

Adjourned: 9:00 a.m.

STATE GOVERNMENT

Convened: March 8, 1982, 1:35 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Briles (arrived 2:00 p.m.), Carr, Craft, Drake, Gallagher, Gentleman, Hutchins (arrived 1:40 p.m.), C. Miller, Palmer, Schwengels and Tieden.

Members Absent: none.

Other Committee Business: Assigned SSB 2244 to subcommittee; amended and approved SSBs 2225 and 2194 as committee bills; approved SSB 2216 as a committee bill; approved Senate File 179 and ordered redrafted for final approval as a committee bill.

Adjourned: 2:15 p.m.

WAYS AND MEANS

Convened: March 9, 1982, 1:40 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst.

Members Absent: Rush (excused).

Final Bill Action: SENATE FILE 2091, a bill for an act to increase the rate of the excise tax on gasohol.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5219.

Final Vote: Ayes, 8: Craft, Readinger, Holden, Hultman, Junkins, Priebe, Ramsey and Taylor. Nays, 5: Rodgers, Hester, Husak, Junkins and Van Gilst. Absent or not voting, 1: Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2251 (SSB 2230), a bill for an act relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Priebe and Ramsey. Nays, none. Absent or not voting, 6: Junkins, Lura, Palmer, Taylor, Van Gilst and Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 844, a bill for an act relating to the filing of a claim for the homestead credit or military service tax exemption only once and providing that the credit or exemption will be granted without refiling a claim for as long as the person or the person's spouse owns the property designated for the credit or exemption on July 1, providing for a civil penalty and providing for a January 1 effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5218.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Taylor and Van Gilst. Nays, 1: Ramsey. Absent or not voting, 1: Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:40 p.m.

PRESENTATION OF VISITORS

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

Twenty-seven students from the Western Hills Elementary School, West Des Moines, Iowa. Senator Gentleman.

AMENDMENTS FILED

S-5210	S. F.	2226	Arthur L. Gratias
S-5211	S. F.	2233	Lucas J. DeKoster
S-5212	S. F.	2019	Donald V. Doyle
S-5213	S. F.	2037	Richard Vande Hoef Charles P. Miller Arne Waldstein
S-5214	H.F.	744	Dick Ramsey
S-5215	S. C.R.	102	Jack W. Hester
S-5216	S. F.	2228	Ted Anderson
S-5217	S. F.	2178	John N. Nystrom
S-5218	H.F.	844	Ways and Means Committee
S-5219	S. F.	2091	Ways and Means Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Wednesday, March 10, 1982.

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 10, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend David Beckerdite, pastor of the United Congregational Church, Sloan, Iowa.

The Journal of Tuesday, March 9, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C.E. Douglas, M.D., Belle Plaine, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Yenger for the morning session on request of Senator Hultman; Senator Rush for the remainder of the week on request of Senator Junkins.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 105

By: Husak

- 1 *Whereas*, there does not exist sufficient and accurate
- 2 financial information at the present time to determine
- 3 proper levels of financing for state and local government
- 4 programs; and
- 5 *Whereas*, financial information that is necessary to
- 6 make informed decisions will not be available until late
- 7 spring or early summer and decisions made by the General
- 8 Assembly before the receipt of accurate financial
- 9 information may have adverse effects upon state and local
- 10 government programs as well as the economy of this state
- 11 and
- 12 *Whereas*, it appears the General Assembly will adjourn
- 13 after making decisions on financial matters and such
- 14 decisions could be erroneous requiring a special session
- 15 of the legislature in any event; and

16 *Whereas*, the General Assembly is presently expending
17 large sums of money to remain in session but is unable to
18 make proper decisions because of the lack of information
19 with the result that the expenditure of funds for the
20 remainder of the session may have to be duplicated for a
21 special session if decisions made without adequate information
22 are erroneous; and

23 *Whereas*, money could be saved and better decisions made
24 if the General Assembly adjourned within the near future
25 and returned when adequate information is available; *Now*
26 *Therefore*,

27 *Be It Resolved by the Senate, the House Concurring*, That
28 when adjournment is had on Friday, March 19, 1982 it be the
29 final adjournment of the 1982 Regular Session of the Sixty-
30 ninth General Assembly; and

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1 *Be It Further Resolved*, That the governor is requested
2 to call the General Assembly into special session
3 commencing June 14, 1982, in order that the General
4 Assembly can complete its work in an efficient and
5 informed manner; and

6 *Be It Further Resolved*, That a committee composed of
7 members of both houses and both political parties function
8 between the final adjournment of the General Assembly and
9 the convening of the special session in order to plan
10 calendars of the two houses, authorize committee meetings,
11 and do things necessary for planning an efficient and
12 orderly special session of the General Assembly.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 2252, by Committee on State Government, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state.

Read first time and placed on calendar.

Senate File 2253, by Committee on State Government, a bill for an act relating to the Iowa housing finance authority, effective upon publication.

Read first time and placed on calendar.

MOTION TO RECONSIDER DEFERRED

Senate File 2103

Senator Coleman called up the motion to reconsider Senate File 2103, a bill for an act relating to the regulation of electric transmission lines operated at less than thirty-four thousand five hundred volts, filed by him on February 8, 1982, and found on page 317 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that action on the motion to reconsider be **deferred**.

Senator Coleman took the chair at 10:00 a.m.

MOTION TO RECONSIDER LOST

House File 2336

Senator Waldstein called up the motion to reconsider House File 2336, a bill for an act relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees, filed by him on March 4, 1982 and found on page 594 of the Senate Journal.

Senator DeKoster raised a point of order under Senate Rule 9.

The Chair ruled the point well taken.

Senator Waldstein moved the adoption of the motion to reconsider.

A record roll call was taken.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2336) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 15:

Comito	Dreeszen	Gallagher	Gratias
Husak	Jensen	Kudart	Lura
Miller, A.V.	Priebe	Ramsey	Schwengels
Taylor	Vande Hoef	Waldstein	

Nays, 29:

Anderson	Briles	Brown	Carr
Coleman	Craft	DeKoster	Deluhery
Doyle	Drake	Gentleman	Goodwin
Hester	Hulse	Hultman	Hutchins
Junkins	Kinley	Miller, C.P.	Murray
Nystrom	Palmer	Readinger	Rodgers
Slater	Small	Tieden	Van Gilst
Wells			

Absent or not voting, 6:

Baughner	Bisenius	Carney	Holden
Rush	Yenger		

The motion lost.

The motion to reconsider the vote by which amendment S—5173 to House File 2336 was adopted by the Senate on March 3, 1982, filed by Senator Priebe on March 4, 1982 and found on page 594 of the Senate Journal, was out of order.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2202.

Senate File 2202

On motion of Senator Ramsey, Senate File 2202, a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that further action on **Senate File 2202** be **deferred**.

Senator Hultman asked and received unanimous consent to take up out of order House File 808.

House File 808

On motion of Senator Drake, House File 808, a bill for an act relating to the registration of and licensing for the operation of motor vehicles, with a December 1, 1983, effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Drake offered amendment S—5114 filed by the committee on Transportation on February 18, 1982, to strike everything after the enacting clause of the bill and to the title page of the bill.

Senator Drake offered amendment S—5179 filed by him on March 3, 1982, to pages 1, 10, 15 and 16 of amendment S—5114 and moved its adoption.

Amendment S—5179 was adopted by a voice vote.

Senator Drake moved the adoption of amendment S—5114 as amended, which motion prevailed by a voice vote.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 808) the vote was:

Ayes, 46:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, none.

Absent or not voting, 4:

Bisenius	Briles	Rush	Yenger
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

INTRODUCTION OF BILL

Senate File 2254, by Committee on State Government, a bill for an act authorizing the Iowa state fair board to purchase, sell, or exchange real estate subject to the approval of the executive council, and to lease, either as lessor or lessee, property and facilities under the control of the Iowa state fair board.

Read first time and placed on calendar.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

February 3, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of J. Michael Cavitt, Iowa City, Johnson County, Iowa, for reappointment as a member of the Assessor Education Commission pursuant to Section 441.8, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of LeRoy H. Petersen, Grimes, Dallas County, Iowa, for reappointment as a member of the Assessor Education Commission pursuant to Section 441.8, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Ann Spangler, Clarinda, Page County, Iowa, for reappointment as a member of the Assessor Education Commission pursuant to Section 441.8, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Harlan L. Gronewold, Atlantic, Cass County, Iowa, for reappointment as a member of the Board of Accountancy pursuant to Section 116.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Kenneth A. Putzier, Storm Lake, Buena Vista County, Iowa, for appointment as a member of the Board of Accountancy pursuant to Section 116.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of A. Jane Roberts, Ph.D., Des Moines, Polk County, Iowa, for appointment as a member of the Board of Accountancy pursuant to Section 116.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Vivian Creswick, Cantril, Van Buren County, Iowa, for appointment as a member of the Board of Certification of Waterworks and Waste Waterworks Operators pursuant to Section 455B.53, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Gregory M. Johnson, Burlington, Des Moines County, Iowa, for appointment as a member of the Board of Certification of Waterworks and Waste Waterworks Operators pursuant to Section 455B.53, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Nolden Gentry, Des Moines, Polk County, Iowa, for reappointment as a member of the Commission for the Blind pursuant to Section 601B.1, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Jerry R. Coughlon, Des Moines, Polk County, Iowa, for reappointment as a member of the Credit Union Review Board pursuant to Section 533.53, 1981 Code of Iowa, for a

three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Dorothy E. Krause, Iowa City, Johnson County, Iowa, for reappointment as a member of the Credit Union Review Board pursuant to Section 533.53, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Layton M. Stump, Waterloo, Black Hawk County, Iowa, for reappointment as a member of the Credit Union Review Board pursuant to Section 533.53, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Bennett Gordon, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Beer and Liquor Control Council pursuant to Section 123.5, 1981 Code of Iowa, for a five-year term commencing May 1, 1982, and ending April 30, 1987.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Edward Engstrom, Kanawha, Hancock County, Iowa, for reappointment as a member of the Iowa Family Farm Development Authority pursuant to Section 175.3, 1981 Code of Iowa, for six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Gene Geissinger, West Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Family Farm Development Authority pursuant to Section 175.3, 1981 Code of Iowa, for six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

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 reappointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Gregory H. Williams, Iowa City, Johnson County, Iowa, for reappointment as a member of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Mildred E. Elliott, Mount Ayr, Ringgold County, Iowa, for reappointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of John J. Pogge, Council Bluffs, Pottawattamie County, Iowa, for reappointment as a member of the Iowa Real Estate Commission pursuant to Section 117.8, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Norma I. Lock, Des Moines, Polk County, Iowa, for reappointment as a member of the Job Service Appeal Board pursuant to Section 96.6, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of I. John Rossi, West Des Moines, Polk County, Iowa, for reappointment as a member of the Occupational Safety and Health Review Commission pursuant to Section 88.10, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Phyllis L. Henderson, West Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Barber Examiners pursuant to Section 147.14(1), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Charles A. Vance, Davenport, Scott County, Iowa, for reappointment as a member of the State Board of Barber Examiners pursuant to Section 147.14(1), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Joseph B. Baker, D.O., Greenfield, Adair County, Iowa, for reappointment as a member of the State Board of Medical Examiners pursuant to Section 147.14(2), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Alyce M. Fanslow, Ph.D., Ames, Story County, Iowa, for appointment as a member of the State Board of Medical Examiners pursuant to Section 147.14(2), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of John L. Garred, M. D., Whiting, Monona County, Iowa, for reappointment as a member of the State Board of Medical Examiners pursuant to Section 147.14(2), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Mary Greenleaf, Shenandoah, Page County, Iowa, for appointment as a member of the State Board of Physical and Occupational Therapy Examiners pursuant to Section 147.14(10), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Sharon A. Simmons, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Physical and Occupational Therapy Examiners pursuant to Section 147.14(10), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Kenneth C. Hawes, Rockford, Cerro Gordo County, Iowa, for reappointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant

to Section 147.14(9), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Kathy Kerst, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14(9), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of John E. Scherrman, Sioux City, Woodbury County, Iowa, for reappointment as a member of the State Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14(9), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

February 10, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Bernard I. Jones, Sioux City, Woodbury County, Iowa, for reappointment as a member of the Board of Architectural Examiners pursuant to Section 118.1, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Lester Beachy, M.D., Des Moines, Polk County, Iowa, for reappointment as a member of the Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Marcia Dudden, Reinbeck, Grundy County, Iowa, for appointment as a member of the Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Mary E. Heltsley, Ph.D., Ames, Story County, Iowa, for reappointment as a member of the Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Sister Donna Venteicher, Fort Madison, Lee County, Iowa, for appointment as a member of the Board of Examiners for Nursing Home Administrators pursuant to Section

135E.2, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Ardith R. Brown, Ottumwa, Wapello County, Iowa, for appointment as a member of the Commission on Judicial Qualifications pursuant to Section 605.26, 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Morris F. Johnson, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Lonny T. Morrison, Webster City, Hamilton County, Iowa, for reappointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Kathleen Neylan, Elkader, Clayton County, Iowa, for reappointment as a member of the Iowa Crime Commission pursuant to Section 80C.6, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of M. Jo Neal, Marble Rock, Floyd County, Iowa, for reappointment as a member of the Iowa Rural Community Development Committee pursuant to Section 387.2, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Patricia Ann Renaud, Bondurant, Polk County, Iowa, for reappointment as a member of the Iowa Rural Community Development Committee pursuant to Section 387.2, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of John E. Beamer, Des Moines, Polk County, Iowa, for reappointment as a member of the Public Employment Relations Board pursuant to Section 20.5, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Maxine O. Cochran, Oskaloosa, Mahaska County, Iowa, for appointment as a member of the State Board of Cosmetology Examiners pursuant to Section 147.14(1), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Marlene Donovan, Estherville, Emmet County, Iowa, for reappointment as a member of the State Board of Cosmetology Examiners pursuant to Section 147.14(1), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Nancy Flood, Seymour, Wayne County, Iowa, for reappointment as a member of the State Board of Dental Examiners pursuant to Section 147.14 (4), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Barbara Johanningsmeier, Ankeny, Polk County, Iowa, for appointment as a member of the State Board of Dental Examiners pursuant to Section 147.14(4), 1981

Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Daniel J. Welsh, Emmetsburg, Palo Alto County, Iowa, for reappointment as a member of the State Board of Dental Examiners pursuant to Section 147.14(4), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of R. Bruce Hopkins, Ph.D., Cedar Falls, Black Hawk County, Iowa, for reappointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Cheryl J. Richardson, West Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Eugene Siegert, Dubuque, Dubuque County, Iowa, for reappointment as a member of the State Board of Mortuary Science Examiners pursuant to Section 147.14(1), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Karen R. Sojka, Harlan, Shelby County, Iowa, for appointment as a member of the State Board of Nursing Examiners pursuant to Section 147.14(3), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Pamela K. Triolo, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Nursing Examiners pursuant to Section 147.14(3), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Jerry M. Hartleip, Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Board of Pharmacy Examiners pursuant to Section 147.14(5), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of John F. Rode, Mount Pleasant, Henry County, Iowa, for appointment as a member of the State Board of Pharmacy Examiners pursuant to Section 147.14(5), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Margaret A. Harden, Perry, Dallas County, Iowa, for reappointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.14(1), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

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 reappointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14(7), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Cathy Sue Kelly, Des Moines, Polk County, Iowa, for reappointment as a member of the State Board of Veterinary Medicine Examiners pursuant to Section 169.5, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of James A. Lowe, D.V.M., Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Veterinary Medicine Examiners pursuant to Section 169.5, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Paul E. DeJaynes, Mount Pleasant, Henry County, Iowa, for appointment as a member of the State Board of Watchmaking Examiners pursuant to Section 120.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Howard W. Wilshire, Jr., New Hampton, Chickasaw County, Iowa, for reappointment as a member of the State Board of Watchmaking Examiners pursuant to Section 120.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Forrest J. Mitchell, Grinnell, Poweshiek County, Iowa, for appointment as a member of the State Judicial Nominating Commission pursuant to Section 46.1, 1981 Code of Iowa, for an unexpired term beginning immediately and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 2, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Walter L. Saur, Oelwein, Fayette County, Iowa, for reappointment as a member of the Iowa Board of Parole pursuant to Section 904.2, 1982 Code of Iowa, for a five-year term commencing May 1, 1982, and ending April 30, 1987.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 4, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Ruth J. Schuler, Johnston, Polk County, Iowa, for appointment as a member of the City Development Board pursuant to Section 368.9, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Betty J. Bybee, Swan, Warren County, Iowa, for appointment as a member of the City Finance Committee pursuant to Section 384.13, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Charles B. Hammen, Mason City, Cerro Gordo County, Iowa, for appointment as a member of the City Finance Committee pursuant to Section 384.13, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Alfred G. Heitzman, Dubuque, Dubuque County, Iowa, for appointment as a member of the City Finance Committee pursuant to Section 384.13, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Larry Harris, Waterloo, Black Hawk County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission pursuant to Section 601A.3, 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Clara J. Vaughn, Waterloo, Black Hawk County, Iowa, for appointment as a member of the State Board of Mortuary Science Examiners pursuant to Section 147.14(1), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Phyllis S. Hansell, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Psychology Examiners pursuant to Section 147.14(7), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

Communications were read and referred to the committee on **Rules and Administration.**

RECESS

On motion of Senator Hultman, the Senate recessed at 11:15 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:05 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2255, by Committee on Energy, a bill for an act to provide a five percent reduction in the taxable valuation of energy efficient, single family detached dwellings, and providing an effective date.

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

Senate File 2256, by Committee on Transportation, a bill for an act allowing the consignment sale of used travel trailers by licensed travel trailer dealers and providing a penalty.

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

APPENDIX

STUDY BILLS RECEIVED

S.S.B. 2251 State Government

Allowing the auditor of state to accept funds for audits performed for federal agencies and to use the funds for conducting mutual financial audits, and requiring state agencies to request funds for audits in the agency's grant application, and providing an effective date.

S.S.B. 2252 Natural Resources

To restrict the use of certain traps.

S.S.B. 2253 State Government

Relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication.

S.S.B. 2254 State Government

Relating to the number of signatures necessary for nominations by petition for certain elective offices.

S.S.B. 2255 Human Resources

Amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2346	Judiciary
H.F.	2358	Commerce
H.F.	2364	Judiciary
H.F.	2376	Education
H.F.	2380	Commerce

H.F. 2384 Agriculture
 H.F. 2385 Judiciary

FURTHER
 REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT*

*A previous report of this meeting was recorded on page 653 of the Senate Journal.

Final Bill Action: SENATE FILE 2252 (SSB 2216), a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2253 (SSB 2194), a bill for an act relating to the Iowa housing finance authority, effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, 1: Lura.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2254 (SSB 2225), a bill for an act authorizing the Iowa state fair board to purchase, sell, or exchange real estate subject to the approval of the executive council, and to lease, either as lessor or lessee, property and facilities under the control of the Iowa state fair board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Slater, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Briles.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 9, 1982, 7:47 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Craft and Vande Hoef.

Members Absent: Brown.

Other Committee Business: Reviewed and discussed fiscal '83 supplementals.

Adjourned: 9:05 a.m.

CITIES

Convened: March 10, 1982, 3:09 p.m.

Members Present: Readinger, Chair; A. Miller, Ranking Member; Carney, Holden, Slater, Waldstein and Wells.

Members Absent: Comito, Vice Chair and Kinley (excused).

Final Bill Action: HOUSE FILE 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5228.

Final Vote: Ayes, 7: Readinger, A. Miller, Carney, Holden, Slater, Waldstein and Wells. Nays, none. Absent or not voting, 2: Comito and Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned Senate File 2227 to subcommittee.

Adjourned: 3:20 p.m.

COUNTY GOVERNMENT

Convened: March 9, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe and Yenger.

Members Absent: Vande Hoef.

Other Committee Business: Assigned House File 2142 to subcommittee; approved SSB 2188 as a committee bill.

Adjourned: 3:30 p.m.

ENERGY

Convened: March 10, 1982, 1:43 p.m.

Members Present: Ramsey, Chair; Gallagher, Ranking Member; Doyle, Kudart, Readinger and Rodgers.

Members Absent: Bisenius, Vice Chair; Anderson, Briles and Yenger (all excused).

Final Bill Action: SENATE FILE 2255 (SSB 2203), a bill for an act to provide a five percent reduction in the taxable valuation of energy efficient, single family detached dwellings, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Ramsey, Gallagher, Doyle, Kudart, Readinger and Rodgers. Nays, none. Absent or not voting, 4: Bisenius, Anderson, Briles and Yenger.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 1:58 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 9, 1982, 11:00 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Brown, Goodwin, Gratias, Hultman, Kinley and Wells.

Members Absent: Anderson, Ranking Member (excused).

Other Committee Business: Discussed unemployment trust fund.

Adjourned: 11:35 a.m.

TRANSPORTATION

Convened: March 9, 1982, 1:30 p.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Doyle, Hutchins, A. Miller, Murray (arrived 1:37 p.m.) and Nystrom (arrived 1:50 p.m.).

Members Absent: Bisenius and Comito.

Final Bill Action: SENATE FILE 403, a bill for an act relating to ways condemned by landowners having no access to their property.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5220.

Final Vote: Ayes, 6: Drake, Jensen, Coleman, Hutchins, A. Miller and Murray. Nays, 1: Doyle. Absent or not voting, 3: Bisenius, Comito and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: Senate File 2256, a bill for an act allowing the consignment sale of used travel trailers by licensed travel trailer dealers and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Drake, Jensen, Coleman, Doyle, Hutchins, A. Miller, Murray and Nystrom. Nays, none. Absent or not voting, 2: Bisenius and Comito.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Amended and approved Senate File 2104 and SSB 2218 as committee bills.

Adjourned: 2:30 p.m.

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Twenty-seven students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mrs. Walters. Senator Gentleman.

AMENDMENTS FILED

S—5220	S. F.	403	Transportation Committee
S—5221	S. F.	2218	Berl E. Priebe
S—5222	S. F.	2240	James V. Gallagher Dick Ramsey
S—5223	S. F.	2233	Lucas J. DeKoster

S—5224	S. F.	2233	Ray Taylor
S—5225	S. F.	2243	James V. Gallagher
S—5227	S. F.	2218	Arne Waldstein Julia Gentleman Elvie L. Dreeszen Arthur L. Gratias Norman Rodgers
S—5228	H.F.	2357	Cities Committee

ADJOURNMENT

On motion of Senator Holden, the Senate adjourned at 4:10 p.m., until 9:00 a.m., Thursday, March 11, 1982.

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 11, 1982

The Senate met in regular session at 9:15 a.m., President Branstad presiding.

Prayer was offered by the Reverend Gary Burnett, pastor of the First Presbyterian Church, Mount Vernon, Iowa.

The Journal of Wednesday, March 10, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lloyd Thurston, D.O., resident at Broadlawns General Hospital, Des Moines, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Slater for the remainder of the week on request of Senator Junkins; Senators Hultman and Murray for the morning session on request of Senator Nystrom.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 9, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 499, a bill for an act relating to the election or appointment of the board of trustees of benefited fire districts.

Senate File 2155, a bill for an act relating to the requirements for certification as an ophthalmic dispenser.

ALSO: That the House has on March 9, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 490, a bill for an act to allow tort claim actions against the state to be tried before a jury.

Senate File 2180, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

ALSO: That the House has on March 9, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2111, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree.

House File 2173, a bill for an act relating to the projects for which industrial revenue bonds may be issued under chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped.

House File 2405, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules.

House File 2407, a bill for an act related to the uniform limited partnership act.

House File 2410, a bill for an act to exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee.

House File 2411, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year.

House File 2416, a bill for an act to allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis.

House File 2418, a bill for an act to provide that traffic violation proceedings by the state board of regents or its institutions are not contested cases under the Iowa administrative procedure Act.

House File 2422, a bill for an act to legalize the proceedings of the Oskaloosa community school district relating to a sale of land.

House Files 2111-2422 were read first time and passed on file.

ALSO: That the House has on March 9, 1982, passed (with amendment H—5336 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

House File 2420, a bill for an act relating to the authority of the state board of public instruction over a school district not maintaining twelve grades.

ALSO: That the House has on March 9, 1982, concurred in Senate amendment to, and adopted the following resolution in which the concurrence of the House was asked:

House Concurrent Resolution 107, a resolution relating to forming a compact with all the states of the Missouri River Basin concerning diversion of water.

INTRODUCTION OF BILL

Senate File 2257, by Committee on Commerce, a bill for an act regulating the establishment and operation of third party prescription drug programs.

Read first time and placed on calendar.

HOUSE AMENDMENT CONSIDERED

Senate File 397

Senator Yenger called up for consideration Senate File 397, a bill for an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees, amended by the House in House amendment S—5072 filed February 8, 1982.

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

The Senate resumed session, President Branstad presiding.

(Senate File 397 and House amendment S—5072 pending on recess.)

RECESS

On motion of Senator Nystrom, the Senate recessed at 10:45 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:05 p.m., President Branstad presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 1982, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 123

By: Pope and Avenson

- 1 *Whereas*, proper nutrition is essential to sustain
- 2 life; and
- 3 *Whereas*, the quality of the food a person consumes
- 4 significantly affects a person's health and well-being;
- 5 and
- 6 *Whereas*, the availability of a safe and nutritious
- 7 supply of food is a basic right of individuals; *Now*
- 8 *Therefore*,
- 9 *Be It Resolved by the House of Representatives, the*
- 10 *Senate Concurring*, That the general assembly declares
- 11 March 21 through March 27, 1982 to be "Iowa Nutrition
- 12 Week"; and
- 13 *Be It Further Resolved*, That the general assembly
- 14 urges all Iowans to become concerned with their own
- 15 nutrition and the nutrition of others in the hope of
- 16 achieving better public health for the present and
- 17 the future.

This resolution was read first time and **passed on file.**

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 111

By: Committee on Judiciary

1 *Whereas*, Iowa has historically been among the states
2 which recognize contributory negligence as a defense in
3 tort action; and
4 *Whereas*, the defense of contributory negligence has
5 been in existence in Iowa for many years; and
6 *Whereas*, other states are repealing laws which pro-
7 vide for the defense of contributory negligence and they
8 are replacing such defense with the doctrine of compara-
9 tive negligence; and
10 *Whereas*, the Supreme Court has upheld the defense
11 of contributory negligence but by decreasing margins
12 and has nevertheless been critical of the general
13 assembly for not studying the issue of contributory
14 versus comparative negligence and making recommendations;
15 and
16 *Whereas*, tort law is complex in its variations and
17 the matter of comparative negligence as opposed to
18 contributory negligence has many ramifications in tort
19 law that should be carefully considered; *Now Therefore*,
20 *Be It Resolved by the Senate*, That the legislative
21 council is urged to establish a joint subcommittee of the
22 committees on judiciary to study the matter of comparative
23 negligence and contributory negligence as they apply to
24 the broad spectrum of tort law in Iowa, during the
25 interim; and
26 *Be It Further Resolved*, That the members of the joint
27 subcommittee shall consist of members of both houses
28 representing both political parties and the subcommittee
29 may call upon experts in the field of tort liability
30 as well as other knowledgeable persons to assist it

Page 2

1 in its study and shall submit a final report to the
2 legislative council and members of the general assembly,
3 which report shall contain bill drafts designed to
4 carry out the recommendations of the subcommittee.

Read first time and placed on calendar.

INTRODUCTION OF BILLS

Senate File 2258, by Committee on Judiciary, a bill for an act relating to procedures in small claims actions.

Read first time and placed on calendar.

Senate File 2259, by Committee on Judiciary, a bill for an act relating to marriage solemnization fees.

Read first time and placed on calendar.

Senate File 2260, by Committee on Natural Resources, a bill for an act relating to coal mining.

Read first time and placed on calendar.

Senate File 2261, by Committee on County Government, a bill for an act relating to the cancellation of outstanding warrants.

Read first time and placed on calendar.

Senate File 2262, by Committee on Transportation, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

Read first time and placed on calendar.

Senate File 2263, by Committee on Human Resources, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

Read first time and placed on calendar.

BILLS REFERRED TO COMMITTEE

President Branstad announced that **Senate File 2255** was referred from the Regular Calendar to the committee on **Ways and Means** under Senate Rule 37 and **House File 2357** was referred from the Regular Calendar to the committee on **State Government** under Senate Rule 37.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

APPENDIX**STUDY BILL RECEIVED****S.S.B. 2256 Ways and Means**

Exempting the state, its agencies, and political subdivisions of the state from the tax on motor fuel where the motor fuel is used for a public purpose and delivered into a motor fuel holding tank owned by the state, its agencies, or a political subdivision of the state.

**REPORT OF THE COMMITTEE
ON RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to **standing committees** for investigation on March 11, 1982:

Commission for the Blind—Nolden Gentry—State Government

Iowa Crime Commission—Morris F. Johnson—Judiciary

Iowa Crime Commission—Lonny T. Morrison—Judiciary

Iowa Crime Commission—Kathleen Neylan—Judiciary

Iowa Board of Parole—Walter L. Saur—Judiciary

Iowa State Civil Rights Commission—Larry Harris—Judiciary

Public Employment Relations Board—John E. Beamer—
Labor and Industrial Relations

CALVIN O. HULTMAN, Chair

**SUBCOMMITTEE ASSIGNMENT FOR
GOVERNOR'S APPOINTMENT**

In accordance with Senate Rule 58, the following Senators were appointed to a subcommittee of a standing committee:

STATE GOVERNMENT: As a member of the Iowa Commission for the Blind:

NOLDEN GENTRY
 Briles, Chair
 Carr
 Gallagher

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. C.R. 105 Rules and Administration

FURTHER REPORT OF COMMITTEE MEETING

COUNTY GOVERNMENT*

*A previous report of this meeting was recorded on page 683 of the Senate Journal.

Final Bill Action: SENATE FILE 2261 (SSB 2188), a bill for an act relating to the cancellation of outstanding warrants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Yenger. Nays, none. Absent or not voting, 1: Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

TRANSPORTATION*

*A previous report of this meeting was recorded on pages 684-685 of the Senate Journal.

Final Bill Action: SENATE FILE 2262 (SSB 2118), a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Drake, Jensen, Coleman, Doyle, Hutchins, A. Miller, Murray and Nystrom. Nays, none. Absent or not voting, 2: Bisenius and Cornito.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 10, 1982, 1:30 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen and Priebe.

Members Absent: Rush (excused).

Final Bill Action: SENATE FILE 2257 (SSB 2228), a bill for an act regulating the establishment and operation of third prescription drug programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Jensen and Priebe. Nays, none. Absent or not voting, 1: Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed SSB 2246.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: March 11, 1982, 1:34 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member, Carr, Coleman, Drake (arrived 1:45 p.m.), Gratias, Hulse, A. Miller and Vande Hoef.

Members Absent: Nystrom and Slater (excused).

Final Bill Action: SENATE FILE 2263, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gentleman, Yenger, C. Miller, Carr, Coleman, Drake, Gratias, Hulse, A. Miller and Vande Hoef. Nays, none. Absent or not voting, 2: Nystrom and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 119, a resolution providing that the week of March 7, 1982 be recognized by the General Assembly as "Women's History Week".

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Carr, Coleman, Gratias, Hulse, A. Miller and Vande Hoef. Nays, none. Absent or not voting, 3: Drake, Nystrom and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 1:50 p.m.

JUDICIARY

Convened: March 10, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor.

Members Absent: Rush, Ranking Member (excused) and Murray.

Final Bill Action: SENATE FILE 2258 (SSB 2232), a bill for an act relating to procedures in small claims actions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Baugher, Carr, Coleman, Doyle, Deluhery, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Rush and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2259 (SSB 2205), a bill for an act relating to marriage solemnization fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: DeKoster, Kudart, Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 3: Rush, Murray and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE RESOLUTION 111, a resolution to study comparative negligence as a defense in tort action.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 12: DeKoster, Kudart, Baugher, Carr, Coleman, Doyle, Dreeszen, Deluhery, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Rush and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 5:00 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 10, 1982, 11:00 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias, Hultman, Kinley and Wells.

Members Absent: none.

Other Committee Business: Discussed unemployment trust fund with representatives of Job Service of Iowa.

Adjourned: 11:55 a.m.

NATURAL RESOURCES

Convened: March 10, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart and Hutchins.

Members Absent: Tieden, Gallagher and Rodgers.

Final Bill Action: SENATE FILE 503, a bill for an act relating to procedures to be followed by drainage districts.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart and Hutchins. Nays, none. Absent or not voting, 3: Tieden, Gallagher and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2260, a bill for an act relating to coal mining.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart and Hutchins. Nays, none. Absent or not voting, 3: Tieden, Gallagher and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; discussed House File 864.

Adjourned: 8:30 a.m.

AMENDMENTS FILED

S—5229	S. F.	490	House Amendment
S—5230	S. F.	2180	House Amendment
S—5231	S. F.	2218	Bass Van Gilst Forrest V. Schwengels
S—5232	S. F.	2218	John W. Jensen
S—5233	S. F.	2103	Edgar H. Holden C. Joseph Coleman
S—5234	S. F.	2221	C. Joseph Coleman Arne Waldstein C.W. Bill Hutchins
S—5236	S. F.	2218	Dick Ramsey C.W. Bill Hutchins Lucas J. DeKoster Lowell L. Junkins
S—5237	S. F.	2218	Arthur A. Small, Jr. David M. Readinger
S—5238	S. F.	2218	Julia Gentleman David M. Readinger John S. Murray
S—5239	S. F.	2218	Arthur A. Small, Jr.

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:20 p.m., until 9:00 a.m., Friday, March 12, 1982.

JOURNAL OF THE SENATE

SIXTY-FIRST CALENDAR DAY
 FORTY-SECOND SESSION DAY

Senate Chamber
 Des Moines, Iowa, Friday, March 12, 1982

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by the Reverend Mark Pflughoeft, pastor of the St. Paul's Lutheran Church, Boone, Iowa.

The Journal of Thursday, March 11, 1982, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 10, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 2167, a bill for an act to update references to the federal Water Pollution Control Act in chapter 455B.

ALSO: That the House has on March 10, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2134, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways.

ALSO: That the House has on March 10, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2388, a bill for an act repealing the provision that area education agencies must obtain approval from the state board of public instruction before purchase or lease of equipment or facilities for media production or reproduction, and the requirement that area education agencies must contract with the state educational radio or television facility board for television production, television transmission, or closed circuit television transmission.

This bill was read first time and passed on file.

House File 2409, a bill for an act relating to fire safety, and providing penalties.

This bill was read first time and passed on file.

INTRODUCTION OF RESOLUTIONS

SENATE CONCURRENT RESOLUTION 106

By: Committee on State Government

1 *Whereas*, the contract and bidding procedures sub-
2 committee of the senate and house standing committees
3 on state government authorized by the legislative council
4 for the 1981 interim recommended continued study of
5 problems in public procurement and purchasing; and
6 *Whereas*, a report has been filed by the governor's
7 task force on procurement relating to building and
8 construction; *Now Therefore*,

9 *Be It Resolved by the Senate, the House Concurring,*
10 That the legislative council establish an interim com-
11 mittee to study the feasibility of uniform public body
12 bid laws on building or construction work paid with
13 any public funds which will minimize the necessity of
14 legislative legalizing acts involving construction
15 projects, encourage greater use of the competitive
16 free enterprise system and foster the maximum benefit
17 for public bodies within this state; and

18 *Be It Further Resolved*, That the interim committee
19 review the work of the 1981 interim committee, the
20 governor's task force and other materials relevant to
21 public body bidding and building and construction in
22 this state; investigate the extent of building and
23 construction projects by major public bodies, such as
24 cities, counties, the board of regents and the depart-
25 ment of transportation, by their own work forces and
26 equipment, the expansion of public body work forces in
27 the past decade, and the accounting practices followed
28 in cost allocations involving those projects; and
29 analyze the ultimate costs and benefits of private
30 sector bidding and its tax revenue potential; and

Page 2

1 *Be It Further Resolved*, That the committee be
2 composed of five members from each chamber, three of
3 the majority party and two of the minority party and
4 be authorized to hold at least five meetings during

5 the interim, and that the committee submit its findings
6 and recommendations to the legislative council in
7 December of 1982 and to the general assembly meeting
8 in 1983.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 107

By: Doyle

1 *Whereas*, the city of Holstein, Iowa is nearing the
2 centennial anniversary of its founding as a city; and
3 *Whereas*, the citizens of Holstein, Iowa are pre-
4 paring for a centennial celebration June 2-6, 1982,
5 to commemorate the one-hundredth anniversary of the
6 city's founding; *Now Therefore*,
7 *Be It Resolved by the Senate, the House Concurring*;
8 That the membership of the Sixty-ninth General
9 Assembly of the State of Iowa extends its heartiest
10 congratulations to the city of Holstein, Iowa in
11 commemoration of the centennial anniversary of its
12 founding in this year of 1982; and
13 *Be It Further Resolved*, That a copy of this reso-
14 lution be forwarded to the mayor and the citizens of
15 Holstein who are in charge of making preparations for
16 the centennial celebration.

Read first time and passed on file.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

**CONSIDERATION OF BILLS
(Noncontroversial Calendar)**

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2205.

Senate File 2205

On motion of Senator DeKoster, Senate File 2205, a bill for an act relating to the regulation of insurance companies to the extent of amending Code section 515.34, 515.35, 515B.5, 521A.2, and 521A.3 to provide for the regulation of the investments of insurance companies other than life insurance companies, to modify the maximum liability of the Iowa insurance guaranty association, and to strike certain provisions regulating insurance holding companies, was taken up for consideration.

Senator DeKoster asked and received unanimous consent that further action on **Senate File 2205** be deferred.

Senate File 2221

On motion of Senator Waldstein, Senate File 2221, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties, was taken up for consideration.

Senator Waldstein offered amendment S—5201 filed by him on March 5, 1982, to pages 6 and 9 of the bill and moved its adoption.

Amendment S—5201 was adopted by a voice vote.

With the adoption of amendment S—5201, the Chair ruled amendment S—5198 filed by Senator Waldstein on March 4, 1982, to page 6 of the bill, out of order.

Senator Coleman offered amendment S—5234 filed by Senators Coleman, Waldstein and Hutchins on March 11, 1982, to page 14 of the bill and moved its adoption.

Amendment S—5234 was adopted by a voice vote.

Senator Small asked and received unanimous consent that further action on **Senate File 2221** be deferred.

Senator Carney took the chair at 9:45 a.m.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House Concurrent Resolution 119.

House Concurrent Resolution 119

On motion of Senator Gentleman, House Concurrent Resolution 119, a resolution resolving that the week of March 7, 1982, be recognized by the General Assembly as "Women's History Week", filed March 11, 1982, and found on pages 624-625 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Gentleman moved the adoption of House Concurrent Resolution 119, which motion prevailed by a voice vote.

CONSIDERATION OF BILL (Noncontroversial Calendar)

House File 759

On motion of Senator Comito, House File 759, a bill for an act relating to the number of years city records are required to be kept, with report of committee recommending passage, was taken up for consideration.

Senator Comito moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 759) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Rush

Slater

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

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

CONSIDERATION OF BILL (Noncontroversial Calendar)

Senate File 2019

On motion of Senator Doyle, Senate File 2019, a bill for an act relating to grave markers for veterans, with report of committee recommending passage, was taken up for consideration.

Senator Doyle offered amendment S—5212 filed by him on March 9, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5212 was adopted by a voice vote.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2019) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak

Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Rush Slater

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

BUSINESS PENDING

Senate File 2205

The Senate resumed consideration of Senate File 2205, previously deferred.

Senator DeKoster offered amendment S—5241 filed by him from the floor to pages 2, 6, 7 and 12 of the bill and moved its adoption.

Amendment S—5241 was adopted by a voice vote.

Senator DeKoster asked and received unanimous consent that House File 2358 be withdrawn from the committee on Commerce and debated by the Senate.

Senator DeKoster asked and received unanimous consent that House File 2358 be substituted for Senate File 2205, as amended.

House File 2358

On motion of Senator DeKoster, House File 2358, a bill for an act relating to the regulation of insurance to the extent of amending or repealing provisions in Code sections 515.34, 515.35, 515B.5, 521A.2 and 521A.3 to provide for the regulation of the investments of insurance companies other than life, to modify the maximum liability of the Iowa insurance guaranty association and to remove certain provisions regulating insurance holding companies, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2358) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Junkins	Kinley	Kudart
Lura	Miller, A. V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senator DeKoster asked and received unanimous consent that **Senate File 2205** be **withdrawn** from further consideration of the Senate.

BUSINESS PENDING

Senate File 2221

The Senate resumed consideration of Senate File 2221, previously deferred.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2221) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Husak

Absent or not voting, 2:

Rush Slater

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

CONSIDERATION OF BILL (Noncontroversial Calendar)

Senate File 2223

On motion of Senator Kudart, Senate File 2223, a bill for an act relating to the designation of attorneys employed to assist a fiduciary of an estate, was taken up for consideration.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2223) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher

Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Rush Slater

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

Senate File 2162

On motion of Senator Vande Hoef, Senate File 2162, a bill for an act to prohibit the shooting of a shotgun with rifled slugs over public waters or public highways of the state or railroad rights-of-way, with report of committee recommending passage, was taken up for consideration.

Senator Tieden offered amendment S—5208 filed by him on March 8, 1982, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5208 was adopted by a voice vote.

Senator Hutchins withdrew amendment S—5206 filed by him on March 8, 1982, to page 1 of the bill.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2162) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Gentleman

Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Drake	Hultman	Rush	Slater
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senate File 2232

On motion of Senator Brown, Senate File 2232, a bill for an act relating to profiting from inmates held in custody and providing a penalty, was taken up for consideration.

Senator Brown moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2232) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

WITHDRAWN

Senator Brown asked and received unanimous consent that **Senate File 243** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Noncontroversial Calendar)

Senate File 2238

On motion of Senator Palmer, Senate File 2238, a bill for an act relating to the levy of a property tax for fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more, was taken up for consideration.

Senator Readinger offered amendment S—5242 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5242 was adopted by a voice vote.

Senator Palmer moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2238) the vote was:

Ayes, 45:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Schwengels	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Comito
Slater

Hultman

Miller, A.V.

Rush

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

House File 2090

On motion of Senator Jensen, House File 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course, with report of committee recommending passage, was taken up for consideration.

Senator Small offered amendment S—5105 filed by Senators Small and Jensen on February 17, 1982, to page 1 and title page of the bill.

Senator Carr raised the point of order that amendment S—5105 was not germane to the bill.

Senator Carr withdrew his point of order.

Senator Small moved the adoption of amendment S—5105.

A non record roll call was requested.

The ayes were 26, nays 20.

Amendment S—5105 was adopted.

Senator Gallagher asked and received unanimous consent that further action on **House File 2090** be deferred.

INTRODUCTION OF BILLS

Senate File 2264, by Hultman and Junkins, a bill for an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles.

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

Senate File 2265, by Committee on Judiciary, a bill for an act providing for the compensation of innocent victims of criminal acts,

and providing penalties for fraudulent claims.

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

Senate File 2266, by Committee on Judiciary, a bill for an act relating to the prosecution and sentencing of a person who admits the fraudulent receipt of certain public assistance.

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

Senate File 2267, by Committee on Judiciary, a bill for an act to legalize and validate the proceedings of the board of directors of the Iowa western community college (merged area XIII) in the counties of Adair, Adams, Audubon, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby in connection with certain contracts to construct and to lease facilities with purchase option effective upon publication.

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

Senate File 2268, by Committee on Judiciary, a bill for an act authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties.

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

Senate File 2269, by Committee on State Government, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 108

By: Doyle

- 1 *Whereas*, the city of Galva, Iowa is nearing the
- 2 centennial anniversary of its founding as a city; and
- 3 *Whereas*, the citizens of Galva, Iowa are preparing
- 4 for a centennial celebration September 4-6, 1982, to
- 5 commemorate the one-hundredth anniversary of the city's
- 6 founding; *Now Therefore*,

7 *Be It Resolved by the Senate, the House Concurring;*
8 That the membership of the Sixty-ninth General Assem-
9 bly of the State of Iowa extends its heartiest con-
10 gratulations to the city of Galva, Iowa in commemo-
11 ration of the centennial anniversary of its founding
12 in this year of 1982; and
13 *Be It Further Resolved,* That a copy of this reso-
14 lution be forwarded to the mayor and the citizens of
15 Galva who are in charge of making preparations for
16 the centennial celebration.

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

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

The Senate resumed session, President pro tempore Ramsey presiding.

INTRODUCTION OF BILLS

Senate File 2270, by Committee on Judiciary, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court.

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

Senate File 2271, by Committee on State Government, a bill for an act relating to the number of signatures necessary for nominations by petition for certain elective offices.

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

Senate File 2272, by Committee on Agriculture, a bill for an act relating to grain dealer and grain warehouse licensing and the procedures for suspension or cancellation of a license.

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

Senate File 2273, by Committee on Labor and Industrial Relations, a bill for an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits.

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

Senate File 2274, by Committee on Human Resources, a bill for an act amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services.

Read first time and placed on calendar.

Senate File 2275, by Committee on Education, a bill for an act to provide an option for meeting school year requirements based upon the hours school is in session.

Read first time and placed on calendar.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE JOINT
RESOLUTION 2003

Ways and Means
Lura, Chair
Priebe
Taylor

SENATE FILE 2211

Education
Dreeszen, Chair
Anderson
Wells

SENATE FILE 2224

Ways and Means
Craft, Chair
Rush
Hester

SENATE FILE 2233

Appropriations
Murray, Chair
Ramsey
Schwengels
Deluhery
Palmer

SENATE RESOLUTION 109

Rules and Administration
Hultman, Chair
Hulse
Junkins

HOUSE FILE 2351

Ways and Means
Husak, Chair
Taylor
Readinger

HOUSE FILE 2369

Judiciary
Kudart, Chair
Rush
Lura
Ramsey
Small

SENATE FILE 2178

Appropriations
Schwengels, Chair
Hultman
Slater

SENATE FILE 2217

Ways and Means
Taylor, Chair
Lura
Palmer

SENATE FILE 2228

Energy
Kudart, Chair
Yenger
Rodgers

SENATE CONCURRENT
RESOLUTION 103

Rules and Administration
Hultman, Chair
Hulse
Junkins

HOUSE FILE 2142

County Government
Waldstein, Chair
Goodwin
Priebe

HOUSE FILE 2358

Commerce
DeKoster, Chair
Comito
Rush

HOUSE FILE 2371

State Government
Nystrom, Chair
Drake
Palmer

HOUSE FILE 2373

Energy
Kudart, Chair
Yenger
Rodgers

HOUSE FILE 2391

State Government
Nystrom, Chair
Schwengels
Slater

SSB 2239

Ways and Means
Craft, Chair
Rush
Hester

SSB 2241

Judiciary
Carr, Chair
Taylor
Murray

SSB 2243

Energy
Gallagher, Chair
Kudart
Briles

SSB 2245

Judiciary
Small, Chair
Taylor
Deluhery

SSB 2247

Commerce
DeKoster, Chair
Holden
Priebe

SSB 2249

State Government
Drake, Chair
Lura
Gallagher

HOUSE FILE 2380

Commerce
DeKoster, Chair
Comito
Rush

SSB 2238

Ways and Means
Hester, Chair
Rush
Lura

SSB 2240

Ways and Means
Hester, Chair
Rodgers
Lura

SSB 2242

State Government
Nystrom, Chair
Schwengels
Slater

SSB 2244

State Government
Schwengels, Chair
Drake
Slater

SSB 2246

Commerce
Holden, Chair
Jensen
Deluhery

SSB 2248

Judiciary
Ramsey, Chair
Lura
Coleman

SSB 2250

Natural Resources
Schwengels, Chair
Van Gilst
Tieden

SSB 2251

State Government
Schwengels, Chair
Drake
Gallagher

SSB 2253

State Government
Drake, Chair
Nystrom
Hutchins

SSB 2254

State Government
Drake, Chair
Nystrom
Hutchins

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 11, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 217—To provide certain exemptions from the real estate transfer tax and the requirements relating to the filing of a declaration of value.

S.F. 399—Relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

H.F. 2341—Relating to establishing a state employee suggestion system.

H.F. 2347—Relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal Department of Labor.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2111	Judiciary
H.F.	2173	State Government
H.F.	2405	Transportation
H.F.	2407	Judiciary
H.F.	2410	Transportation
H.F.	2416	Transportation
H.F.	2418	Judiciary
H.F.	2420	Education
H.F.	2422	Judiciary
H.C.R.	123	Rules and Administration

STUDY BILL RECEIVED**S.S.B. 2257 County Government**

Relating to the regulation of traffic on secondary roads.

**SUBCOMMITTEE ASSIGNMENT FOR
GOVERNOR'S APPOINTMENT**

In accordance with Senate Rule 58, the following Senators were appointed to a subcommittee of a standing committee:

LABOR AND INDUSTRIAL RELATIONS: As a member of the Public Employment Relations Board:

JOHN E. BEAMER
Gratias, Chair
Goodwin
Wells

PROOFS OF PUBLICATION

Published copies of Senate File 2267 and verified proofs of publication of said bill in the Red Oak Express, a newspaper published in Red Oak, Iowa, on February 26, 1982, and in the Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa, on February 26, 1982, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

**FURTHER
REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES***

*A previous report of this meeting was recorded on pages 695-696 of the Senate Journal.

Final Bill Action: SENATE FILE 2274, (SSB 2255), a bill for an act amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Carr, Coleman, Gratias, Hulse, A. Miller and Vande Hoef. Nays, none. Absent or not voting, 3: Drake, Nystrom and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

JUDICIARY*

*A previous report of this meeting was recorded on page 696 of the Senate Journal.

Final Bill Action: SENATE FILE 2265 (SSB 2050), a bill for an act providing for the compensation of innocent victims of criminal acts, and providing penalties for fraudulent claims.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Rush and Murray.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2266, a bill for an act relating to the prosecution and sentencing of a person who admits the fraudulent receipt of certain public assistance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Kudart, Baugher, Carr, Coleman, Deluhery, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, 2: DeKoster and Doyle. Absent or not voting, 2: Rush and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

*A previous report of this meeting was recorded on page 652 of the Senate Journal.

Final Bill Action: SENATE FILE 2267 (SSB 2248), a bill for an act to legalize and validate the proceedings of the board of directors of the Iowa western community college (merged area XIII) in the counties of Adair, Adams, Audubon, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby in connection with certain contracts to construct and to lease facilities with purchase option effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Kudart, Baugher, Carr, Coleman, Murray, Doyle, Dreeszen, Lura, Small and Taylor. Nays, 2: DeKoster and Ramsey. Absent or not voting, 2: Deluhery and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

*A previous report of this meeting was recorded on page 696 of the Senate Journal.

Final Bill Action: SENATE FILE 2268 (SSB 2241), a bill for an act authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Rush and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2270, 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, 11: DeKoster, Kudart, Carr, Coleman, Dreeszen, Lura, Murray, Ramsey, Small, Taylor and Doyle. Nays, 1: Deluhery. Absent or not voting, 2: Rush and Baugher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 9, 1982, 8:07 a.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Hulse, Husak, A. Miller and Van Gilst.

Members Absent: Waldstein, Vande Hoef and Dreeszen (excused).

Final Bill Action: SENATE FILE 2272, a bill for an act relating to grain dealer and grain warehouse licensing and the procedures for suspension or cancellation of a license.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Taylor, Hester, Hutchins, Husak, A. Miller, Van Gilst and Hulse. Nays, none. Absent or not voting, 3: Waldstein, Vande Hoef and Dreeszen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Mary Jane Odell, Secretary of State, spoke on simplifying the records for small family farm corporations and limited partnerships.

Adjourned: 9:00 a.m.

COMMERCE

Convened: March 11, 1982, 12:00 noon.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen and Priebe.

Members Absent: Rush (excused).

Other Committee Business: Discussed SSB 2246 and ordered it redrafted by LSB.

Adjourned: 2:00 p.m.

EDUCATION

Convened: March 11, 1982, 3:00 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells.

Members Absent: none.

Final Bill Action: SENATE FILE 2275, a bill for an act to provide an option for meeting school year requirements based upon the hours school is in session.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8; Gratias, Carney, Anderson, DeKoster, Dreeszen, Small, Taylor and Wells. Nays, 2: Brown and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:45 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 11, 1982, 8:13 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias, Kinley and Wells.

Members Absent: Hultman.

Other Committee Business: Discussed unemployment trust fund.

Adjourned: 8:58 a.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 11, 1982, 11:00 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias (arrived 11:45 a.m.), Kinley and Wells.

Members Absent: Hultman.

Other Committee Business: Discussed unemployment trust fund.

Adjourned: 12:00 noon.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 12, 1982, 11:30 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias, Hultman and Kinley.

Members Absent: Wells.

Final Bill Action: SENATE FILE 2273, a bill for an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Hulse, Carney, Anderson, Brown, Goodwin, Gratias and Hultman. Nays, 1: Kinley. Absent or not voting, 1: Wells.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 11:33 a.m.

NATURAL RESOURCES

Convened: March 12, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden and Gallagher.

Members Absent: Hutchins and Rodgers.

Final Bill Action: HOUSE FILE 2382, a bill for an act relating to the identification of the location of wells.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden and Gallagher. Nays, none. Absent or not voting, 2: Hutchins and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 8:30 a.m.

STATE GOVERNMENT

Convened: March 11, 1982, 3:05 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: Slater, Ranking Member (excused).

Final Bill Action: SENATE FILE 2269 (SSB 2249), a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL WITHOUT RECOMMENDATION.

Final Vote: Ayes, 13: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2271 (SSB 2254), a bill for an act relating to the number of signatures necessary for nominations by petition for certain elective offices.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 106, a resolution requiring the legislative council to establish an interim committee to study the feasibility of uniform public body bid laws on building or construction work paid with any public funds which will minimize the necessity of legislative legalizing acts involving construction projects, encourage greater use of the competitive free enterprise system and foster the maximum benefit for public bodies within the state.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 13: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; approved SSBs 2140, 2153, 2244 and 2253 as committee bills; substituted new language in SSB 2251 and approved as a committee bill.

Adjourned: 4:00 p.m.

WAYS AND MEANS

Convened: March 11, 1982, 2:00 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst.

Members Absent: Hultman, Junkins and Rush (all excused).

Other Committee Business: 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:

Members of the Estherville High School Girls' basketball state tournament team, accompanied by Les Lammers. Senator Vande Hoef.

AMENDMENTS FILED

S—5240	S. F.	2134	House Amendment
S—5241	S. F.	2205	Lucas J. DeKoster
S—5242	S. F.	2238	David M. Readinger
S—5243	S. F.	2218	James V. Gallagher
S—5244	S. F.	2250	Calvin O. Hultman

ADJOURNMENT

On motion of Senator Holden, the Senate adjourned at 12:30 p.m., until 10:00 a.m., Monday, March 15, 1982.

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
 FORTY-THIRD SESSION DAY

Senate Chamber
 Des Moines, Iowa, Monday, March 15, 1982

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by Grace Copley, Secretary to the Lieutenant Governor, Des Moines, Iowa.

The Journal of Friday, March 12, 1982, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Comito for the morning session on request of Senator Hultman and Senator Slater for the morning session on request of Senator Junkins.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 12, 1982, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 2336, a bill for an act relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees.

ALSO: That the House has on March 11, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2375, a bill for an act relating to the crime of terrorism and providing a penalty.

This bill was read first time and **passed on file**.

House File 2379, a bill for an act to provide for the interest and earnings of the state fish and game protection fund.

This bill was read first time and **passed on file**.

House File 2399, a bill for an act relating to the date of the annual organization meeting of the board of directors of an area education agency.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 2276, by Committee on Commerce, a bill for an act relating to the regulation of financial institutions.

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2091.

Senate File 2091

On motion of Senator Drake, Senate File 2091, a bill for an act to increase the rate of the excise tax on gasohol, with report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator Craft offered amendment S—5219 filed by the committee on Ways and Means on March 9, 1982, to strike everything after the enacting clause and to the title page of the bill.

Senator Drake offered amendment S—5245 filed by Senators Drake and Hutchins from the floor to pages 1 through 3 of amendment S—5219 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5245 to amendment S—5219 be adopted?" (S.F. 2091) the vote was:

Ayes, 37:

Anderson
Carney

Bisenius
Carr

Briles
Coleman

Brown
Craft

DeKoster	Deluhery	Doyle	Drake
Dreeszen	Goodwin	Gratias	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Miller, A.V.	Miller, C.P.
Nystrom	Priebe	Rodgers	Rush
Schwengels	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 8:

Baugher	Gallagher	Gentleman	Hester
Kudart	Lura	Murray	Readinger

Absent or not voting, 5:

Comito	Kinley	Palmer	Ramsey
Slater			

Amendment S—5245 was adopted.

With the adoption of amendment S—5245 to amendment S—5219, the Chair ruled amendment S—5247 filed by Senator Craft from the floor to pages 1 and 3 of amendment S—5219 and amendment S—5248 filed by Senator Craft from the floor to pages 2 and 3 of amendment S—5219, out of order.

Senator Craft moved the adoption of amendment S—5219 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5219 as amended, the Chair ruled the following amendments out of order:

Amendment S—5187 filed by Senator Drake on March 3, 1982, to strike everything after the enacting clause of the bill.

Amendment S—5249 filed by Senator Holden from the floor to page 1 of the bill.

Amendment S—5246 filed by Senator Holden from the floor to page 1 of the bill.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2091) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 31:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Craft	Doyle
Drake	Dreeszen	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Kudart	Miller, A.V.
Nystrom	Readinger	Rodgers	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Nays, 16:

Baughner	Coleman	DeKoster	Deluhery
Gallagher	Gentleman	Husak	Junkins
Lura	Miller, C.P.	Murray	Priebe
Ramsey	Rush	Van Gilst	Wells

Absent or not voting, 3:

Comito	Kinley	Palmer
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

INTRODUCTION OF BILLS

Senate File 2277, by Committee on County Government, a bill for an act relating to the regulation of traffic on secondary roads.

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

Senate File 2278, by Committee on Judiciary, a bill for an act relating to obscenity offenses and providing penalties.

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

Senate File 2279, by Committee on Judiciary, a bill for an act relating to neglected and disabled animals under chapters 162 and 717 of the Code.

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

Senate File 2280, by Committee on Judiciary, a bill for an act relating to restitution by public offenders.

Read first time and placed on calendar.

Senate File 2281, by Committee on State Government, a bill for an act relating to the contract price for construction of a public improvement which requires a bond.

Read first time and placed on calendar.

Senate File 2282, by Committee on State Government, a bill for an act to establish the Terrace Hill authority.

Read first time and placed on calendar.

Senate File 2283, by Committee on State Government, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

Read first time and placed on calendar.

Senate File 2284, by Committee on State Government, a bill for an act allowing the auditor of state to accept funds for audits performed for federal agencies and to use the funds for conducting audits, and requiring state agencies to request funds for audits in the agency's grant application, and allowing the auditor of state to have access to tax returns and return information to take statistically representative samples of returns to evaluate the department of revenue's compliance with state statutes, rules and regulations as well as for the purpose of forming an opinion on the fairness of presentation of the department's financial statements for each fiscal year as required by chapter 11 of the Code, and providing an effective date.

Read first time and placed on calendar.

Senate File 2285, by Committee on State Government, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication.

Read first time and placed on calendar.

Senate File 2286, by Committee on Natural Resources, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

Read first time and placed on calendar.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2084, a bill for an act making technical corrections to descriptions of legislative districts effective for the 1982 general election.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

February 3, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Susan M. Wilson, Waterloo, Black Hawk County, Iowa, for reappointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1982 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

February 10, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Donald D. Abdouch, Atlantic, Cass County, Iowa, for appointment as a member of the Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1981 Code of Iowa, for an unexpired term commencing immediately and ending April 30, 1983.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Thomas R. Dunbar, Des Moines, Polk County, Iowa, for reappointment as a member of the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Jack E. Leaman, Ames, Story County, Iowa, for reappointment as a member of the Board of Landscape Architectural Examiners pursuant to Section 118A.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Mr. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of George F. Davison, Jr., Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Railway Finance Authority pursuant to Section 307B.6, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Ronald O. Masters, II, Mason City, Cerro Gordo County, Iowa, for reappointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.14(8), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Donald J. Meylor, D.C., LeMars, Plymouth County, Iowa, for reappointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.14(8), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Larry D. DeCook, Newton, Jasper County, Iowa, for reappointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14(6), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of David E. Scott, Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Optometry Examiners pursuant to Section 147.14(6), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Robert R. Rigler, New Hampton, Chickasaw County, Iowa, for reappointment as a member of the State Transportation Commission pursuant to Section 307.3, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 4, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Mildred F. Coughlon, Fort Dodge, Webster County, Iowa, for reappointment as a member of the Board of Examiners for Hearing Aid Dealers pursuant to Section 154A.2, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 5, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of George E. Deininger, Dubuque, Dubuque County, Iowa, for reappointment as a member of the Board of Architectural Examiners pursuant to Section 118.1, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Marian Malloy, State Center, Marshall County, Iowa, for appointment as a member

of the Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Richard R. Ramsey, Osceola, Clarke County, Iowa, for appointment as a member of the Job Service Appeal Board pursuant to Section 96.6, 1981 Code of Iowa, for an unexpired term ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Edward N. Wiltgen, D.P.M., Sioux City, Woodbury County, Iowa, for appointment as a member of the State Board of Podiatry Examiners pursuant to Section 147.14(1), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Austin B. Turner, Corning, Adams County, Iowa, for appointment as a member of the State Transportation Commission pursuant to Section 307.3, 1981 Code of Iowa, for a four-year term commencing May 1, 1982, and ending April 30, 1986.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 10, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Sonja L. Larsen, Ottumwa, Wapello County, Iowa, for appointment as a member of the Iowa Family Farm Development Authority pursuant to Section 175.3, 1981 Code of Iowa, for an unexpired term ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Earl Powers, Defiance, Shelby County, Iowa, for appointment as a member of the Iowa Family Farm Development Authority pursuant to Section 175.3, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Dan E. Branson, Ph.D., Iowa City, Johnson County, Iowa, for appointment as a member of the State Board of Engineering Examiners pursuant to Section 114.3, 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Lucas J. DeKoster, Hull, Sioux County, Iowa, for appointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1982 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of John Moats, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 12, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Francis Kenkel, Defiance, Shelby County, Iowa, for appointment as a member of the Iowa Railway Finance Authority pursuant to Section 307B.6, 1981 Code of Iowa, for a six-year term commencing May 1, 1982, and ending April 30, 1988.

Sincerely,
ROBERT D. RAY
Governor

Communications were read and referred to the committee on
Rules and Administration.

RECESS

On motion of Senator Hultman, the Senate recessed at 12:20 p.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., President pro tempore Ramsey presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2218.

Senate File 2218

On motion of Senator Tieden, Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, with report of committee on State Government recommending passage, was taken up for consideration.

President Branstad took the chair at 1:45 p.m.

Senator Waldstein offered amendment S—5227 filed by Senators Waldstein, et al., on March 10, 1982, to strike everything after the enacting clause and to the title page of the bill.

Senator Lura took the chair at 2:15 p.m.

Senator Waldstein offered amendment S—5252 filed by him from the floor to page 4 of amendment S—5227.

Senator Waldstein asked and received unanimous consent that action on amendment S—5252 to amendment S—5227 be deferred.

Senator Ramsey offered amendment S—5254 filed by him from the floor to page 5 of amendment S—5227 and moved its adoption.

Amendment S—5254 was adopted by a voice vote.

Senator Waldstein withdrew amendment S—5252 to page 4 of amendment S—5227, previously deferred.

Senator Waldstein moved the adoption of amendment S—5227 as amended.

A record roll call was requested.

On the question "Shall amendment S—5227, as amended, be adopted?" (S.F. 2218) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Baughner	Bisenius	Brown	Carney
Coleman	Cornito	Craft	Deluhery
Dreeszen	Gallagher	Gratias	Holden
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Small	Waldstein	Wells	

Nays, 25:

Anderson	Briles	Carr	DeKoster
Doyle	Gentleman	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Murray	Nystrom	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Yenger			

Absent or not voting, 2:

Drake Kinley

Amendment S—5227, as amended, lost.

Senator Yenger took the chair at 3:05 p.m.

Senator Priebe offered amendment S—5221 filed by him on March 10, 1982, to strike everything after the enacting clause and to the title page of the bill.

Senator Lura offered amendment S—5259 filed by him from the floor to pages 1 and 2 of amendment S—5221 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5259 to amendment S—5221 be adopted?" (S.F. 2218) the vote was:

Ayes, 10:

Bisenius	Briles	Gratias	Lura
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Priebe	Ramsey	Rodgers	Taylor
Vande Hoef	Waldstein		

Nays, 36:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Dreeszen	Gallagher
Gentleman	Goodwin	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Readinger
Rush	Schwengels	Slater	Small
Tieden	Van Gilst	Wells	Yenger

Absent or not voting, 4:

Doyle	Drake	Husak	Kinley
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Amendment S—5259 lost.

Senator Lura took the chair at 3:25 p.m.

President Branstad took the chair at 3:40 p.m.

Senator Priebe moved the adoption of amendment S—5221 and requested a record roll call.

On the question “Shall amendment S—5221 be adopted?” (S.F. 2218) the vote was:

Ayes, 10:

Bisenius	Coleman	Gallagher	Gratias
Jensen	Lura	Priebe	Rodgers
Taylor	Waldstein		

Nays, 36:

Anderson	Baughner	Brown	Carney
Carr	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Hester	Holden
Hulse	Husak	Hutchins	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Readinger	Rush
Schwengels	Slater	Small	Tieden
Vande Hoef	Van Gilst	Wells	Yenger

Absent or not voting, 4:

Briles

Hultman

Kinley

Ramsey

Amendment S—5221 lost.

(Senate File 2218 pending.)

DISTINGUISHED VISITOR

President Branstad presented the Honorable Noel Davern, Government Member of the House of Parliament, Republic of Ireland, from Dublin, Ireland. He is also a member of the European Congress.

Mr. Davern, who was visiting the Senate as the guest of Senator Priebe and has visited Iowa in the past, addressed the Senate briefly and spoke of the problems facing the United States and the European countries, particularly in the rural areas.

Mr. Davern said he was looking forward to attending the St. Patrick's Day festivities in Emmetsburg, Iowa, which is a yearly celebration of the founding of the Irish community in that area. He commented that the shamrock is symbolic of bringing Christianity to the world and something we all should be thankful for.

ANNOUNCEMENT OF STEERING COMMITTEE

President Branstad announced the appointment of the following Senators to a Steering Committee pursuant to Senate Rule 7: Senator Hultman, Chair; Senators Nystrom, Jensen, Junkins and Hutchins.

BUSINESS PENDING

Senate File 2218

The Senate resumed consideration of Senate File 2218.

Senator Carr asked and received unanimous consent to take up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5227 to Senate File 2218 failed to be adopted by the Senate on March 15, 1982.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2218) the vote was:

Ayes, 29:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	Comito
Deluhery	Dreeszen	Gallagher	Gentleman
Gratias	Holden	Husak	Kudart
Lura	Miller, C.P.	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Slater	Small	Vande Hoef	Waldstein
Yenger			

Nays, 20:

Briles	Craft	DeKoster	Doyle
Drake	Goodwin	Hester	Hulse
Hultman	Hutchins	Jensen	Junkins
Miller, A.V.	Murray	Nystrom	Schwengels
Taylor	Tieden	Van Gilst	Wells

Absent or not voting, 1:

Kinley

The motion prevailed and amendment S—5227 was taken up for reconsideration.

Senator Hultman asked and received unanimous consent that further action on Senate File 2218 and amendment S—5227 be deferred.

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 112

By: Hutchins

- 1 *Whereas*, the 1982 Iowa High School Girls Athletic
- 2 Union basketball tournament has just been completed
- 3 and,

4 *Whereas*, there was just one 1-A classification
5 team among the final four in the tournament; and,
6 *Whereas*, the "final four" 1-A team in the 1982
7 tournament was the Guthrie Center Tigerettes (de-
8 spite the dire predictions of Jim Zabel and other
9 prognosticators); *Now Therefore*,
10 *Be It Resolved by the Senate*, That the Guthrie
11 Center Tigerettes - Cindy Bohlender, Jill Flanery,
12 Sue Luckinbill, Carolyn Holle, Mechiel Kopaska, Marie
13 Sharon, Tracy Corder, Melinda Kopaska, Rhonda Leib,
14 Rhonda Moore, Sharon Sewell, Chris Shoesmith, Teresa
15 Simmons, Lesley Smith, Shelene Springer, and Coaches
16 Ray Svendsen and Steve Smith - be recognized as
17 champions in girl's basketball — the best 1-A team
18 in the state of Iowa.

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

INTRODUCTION OF BILL

Senate File 2287, by Committee of Agriculture, a bill for an act to limit the application of the importation and inspection regulations of the Iowa crop pest Act to persons in the business of selling or transporting plants and plant products.

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2378, a bill for an act relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan.

This bill was read first time and **passed on file**.

House File 2394, a bill for an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

This bill was read first time and **passed on file.**

House File 2402, a bill for an act relating to the use of flashing lights by certain emergency service personnel and vehicles.

This bill was read first time and **passed on file.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2264	Transportation
S. C.R.	107	Rules and Administration
S. C.R.	108	Rules and Administration
H.F.	2388	Education

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration placed the following Governor's appointments on the **En Bloc Confirmation Calendar** on March 15, 1982, and recommended the appointments be confirmed by the Senate:

Board of Accountancy—Harlan L. Gronewold
 Board of Accountancy—Kenneth A. Putzier
 Board of Accountancy—A. Jane Roberts, Ph.D.
 Board of Architectural Examiners—Bernard I. Jones
 Assessor Education Commission—J. Michael Cavitt
 Assessor Education Commission—LeRoy H. Petersen
 Assessor Education Commission—Ann Spangler
 State Board of Barber Examiners—Phyllis L. Henderson
 State Board of Barber Examiners—Charles A. Vance
 Iowa Beer and Liquor Control Council —Bennett Gordon
 City Development Board—Ruth J. Schuler
 City Finance Committee—Betty J. Bybee
 City Finance Committee—Charles B. Hammen
 City Finance Committee—Alfred G. Heitzman
 State Board of Cosmetology Examiners—Maxine O. Cochran
 State Board of Cosmetology Examiners—Marlene Donovan
 Credit Union Review Board—Jerry R. Coughlon
 Credit Union Review Board—Dorothy E. Krause
 Credit Union Review Board—Layton M. Stump
 State Board of Dental Examiners—Nancy Flood
 State Board of Dental Examiners—Barbara Johanningsmeier
 State Board of Dental Examiners—Daniel J. Welsh
 State Board of Engineering Examiners—R. Bruce Hopkins, Ph.D.
 State Board of Engineering Examiners—Cheryl J. Richardson
 Iowa Family Farm Development Authority—Edward Engstrom
 Iowa Family Farm Development Authority—Gene Geissing

Job Service Appeal Board—Norma I. Lock
 State Judicial Nominating Commission—Forrest J. Mitchell
 Commission on Judicial Qualifications—Ardith R. Brown
 Iowa Law Enforcement Academy Council—Lewis E. Glenn
 Iowa Law Enforcement Academy Council—Gregory H. Williams
 State Board of Medical Examiners—Joseph B. Baker, D.O.
 State Board of Medical Examiners—Alyce M. Fanslow, Ph.D.
 State Board of Medical Examiners—John L. Garred, M.D.
 State Board of Mortuary Science Examiners—Eugene Siegart
 State Board of Mortuary Science Examiners—Clara J. Vaughn
 State Board of Nursing Examiners—Karen R. Sojka
 State Board of Nursing Examiners—Pamela K. Triolo
 Board of Examiners for Nursing Home Administrators—Lester Beachy, M.D.
 Board of Examiners for Nursing Home Administrators—Marcia Dudden
 Board of Examiners for Nursing Home Administrators—Mary E. Hetsley, Ph.D.
 Board of Examiners for Nursing Home Administrators—Sister Donna
 Venteicher
 Occupational Safety and Health Review Commission—I. John Rossi
 State Board of Pharmacy Examiners—Jerry M. Hartleip
 State Board of Pharmacy Examiners—John F. Rode
 State Board of Physical and Occupational Therapy Examiners—Mary Greenleaf
 State Board of Physical and Occupational Therapy Examiners—Sharon A.
 Simmons
 State Board of Podiatry Examiners—Margaret A. Harden
 State Board of Psychology Examiners—Phyllis S. Hansell
 State Board of Psychology Examiners—Herbert S. Roth, Ph.D.
 Iowa Real Estate Commission—Mildred E. Elliott
 Iowa Real Estate Commission—John J. Pogge
 Iowa Rural Community Development Committee—M. Jo Neal
 Iowa Rural Community Development Committee—Patricia Ann Renaud
 State Board of Speech Pathology and Audiology Examiners—Kenneth C. Hawes
 State Board of Speech Pathology and Audiology Examiners—Kathy Kerst
 State Board of Speech Pathology and Audiology Examiners—John E. Scherrman
 State Board of Veterinary Medicine Examiners—Cathy Sue Kelly
 State Board of Veterinary Medicine Examiners—James A. Lowe, D.V.M.
 State Board of Watchmaking Examiners—Paul E. DeJaynes
 State Board of Watchmaking Examiners—Howard W. Wilshire, Jr.
 Board of Certification of Waterworks and Waste Waterworks Operators—Vivian
 Creswick
 Board of Certification of Waterworks and Waste Waterworks Operators—
 Gregory M. Johnson

CALVIN O. HULTMAN, Chair

REPORTS OF COMMITTEES

AGRICULTURE

Final Bill Action: SENATE FILE 2287, a bill for an act to limit the application of the importation and inspection regulations of the Iowa crop pest Act to persons in the business of selling or transporting plants and plant products.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Taylor, Hester, Hutchins, Dreeszen, Hulse, Husak, A. Miller, Vande Hoef, Van Gilst and Waldstein. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

COUNTY GOVERNMENT

Final Bill Action: SENATE FILE 2277 (SSB 2257), a bill for an act relating to the regulation of traffic on secondary roads.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

JUDICIARY

Final Bill Action: SENATE FILE 2278, a bill for an act relating to obscenity offenses and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: DeKoster, Baugher, Carr, Dreeszen, Lura, Murray, Ramsey and Taylor. Nays, 1: Deluhery. Absent or not voting, 5: Kudart, Rush, Coleman, Small and Doyle.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

FURTHER REPORTS OF COMMITTEE MEETINGS

JUDICIARY*

*A previous report of this meeting was recorded on page 696 of the Senate Journal.

Final Bill Action: SENATE FILE 2279 (SSB 2222), a bill for an act relating to neglected and disabled animals under chapters 162, and 717 of the Code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: DeKoster, Kudart, Baugher, Carr, Coleman, Deluhery, Dreeszen, Lura, Ramsey, Small, Taylor and Doyle. Nays, none. Absent or not voting, 2: Murray and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2280 (SSB 2046), a bill for an act relating to restitution by public offenders.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Baugher, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, 3: DeKoster, Kudart and Carr. Absent or not voting, 2: Murray and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

NATURAL RESOURCES*

*A previous report of this meeting was recorded on pages 722-723 of the Senate Journal.

Final Bill Action: SENATE FILE 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden and Gallagher. Nays, none. Absent or not voting, 2: Hutchins and Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

STATE GOVERNMENT*

*A previous report of this meeting was recorded on page 724 of the Senate Journal.

Final Bill Action: SENATE FILE 2281 (SSB 2153), a bill for an act relating to the contract price for construction of a public improvement which requires a bond.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2282 (SSB 2244), a bill for an act to establish the Terrace Hill authority.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, Palmer and Schwengels. Nays, 2: C. Miller and Tieden. Absent or not voting, 1: Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2283 (SSB 2140), a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: Senate File 2284 (SSB 2251), a bill for an act allowing the auditor of state to accept funds for audits performed for federal agencies and to use the funds for conducting audits, and requiring state agencies to request funds for audits in the agency's grant application, and allowing the auditor of state to have access to tax returns and return information to take statistically representative samples of returns to evaluate the department of revenue's compliance with state statutes, rules and regulations as well as for the purpose of forming an opinion on the fairness of presentation of the department's financial statements for each fiscal year as required by chapter 11 of the Code, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Nystrom, Lura, Briles, Carr, Craft, Drake, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 2: Slater and Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2285 (SSB 2253), a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 1: Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF COMMITTEE MEETING

COMMERCE

Convened: March 12, 1982, 11:30 a.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen and Priebe.

Members Absent: Rush (excused).

Final Bill Action: SENATE FILE 2276 (SSB 2246), a bill for an act relating to the regulation of financial institutions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Holden, Baugher, Deluhery, Comito, Craft, DeKoster and Husak. Nays, 2: Jensen and Priebe. Absent or not voting, 1: Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved SSB 2246 as a committee bill; assigned House File 2380 to a subcommittee.

Adjourned: 12:00 noon.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 12, 1982, the Governor approved and transmitted to the Secretary of the State the following bill:

H.F. 2336—Relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees.

PETITIONS

The following petitions were presented and placed on file by:

Senator Craft from two hundred forty-seven residents of Polk, Tama and Guthrie Counties favoring legislation for the protection of Iowa prairie lands.

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Irvin L. Bergman, former member of the House and Senate from Osceola County, who was present in the Senate chamber with his wife, Vera.

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

Eighteen student council members from Central Community School, De Witt, Iowa, accompanied by Eugene Kastler and Robert Kennedy. Senator Goodwin.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to **standing committees** for investigation on March 16, 1982:

Iowa Railway Finance Authority—Francis Kenkel—Transportation Committee

Board of Public Instruction—Susan M. Wilson—Education Committee

Board of Public Instruction—John Moats—Education Committee

Board of Public Instruction—Lucas J. DeKoster—Education Committee

CALVIN O. HULTMAN, Chair

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Forrest Mitchell be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BOB RUSH

AMENDMENTS FILED

S—5245	S. F.	2091	Richard F. Drake C.W. Bill Hutchins
S—5246	S. F.	2091	Edgar H. Holden
S—5247	S. F.	2091	Rolf V. Craft
S—5248	S. F.	2091	Rolf V. Craft
S—5249	S. F.	2091	Edgar H. Holden
S—5250	S. F.	2218	Forrest V. Schwengels
S—5251	S. F.	2084	House Amendment
S—5252	S. F.	2218	Arne Waldstein
S—5253	S. F.	2218	Mick Lura
S—5254	S. F.	2218	Dick Ramsey
S—5255	S. F.	2218	Edgar H. Holden
S—5256	S. F.	2218	Edgar H. Holden
S—5257	S. F.	2218	Mick Lura
S—5258	S. F.	2218	Ray Taylor
S—5259	S. F.	2218	Mick Lura
S—5260	S. F.	2218	Dick Ramsey C.W. Bill Hutchins Lucas J. DeKoster Lowell L. Junkins
S—5261	S. F.	156	James V. Gallagher
S—5262	S. F.	2262	C.W. Bill Hutchins
S—5263	S. F.	2218	James V. Gallagher
S—5264	S. F.	2274	Tom Slater
S—5265	H.F.	2250	Joe Brown

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:00 p.m., until 10:00 a.m., Tuesday, March 16, 1982.

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
 FORTY-FOURTH SESSION DAY

Senate Chamber
 Des Moines, Iowa, Tuesday, March 16, 1982

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Gerald Vander Velde, pastor of the First Reformed Church, Hull, Iowa.

The Journal of Monday, March 15, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Deluhery for the day and Senator Small for today and March 17, 1982, on request of Senator Junkins.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 12, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 579, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control.

Senate File 2101, a bill for an act amending the schedule of controlled substances.

ALSO: That the House has on March 12, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 400, a bill for an act providing for the taxation of a lump sum distribution of an individual, estate or trust who has elected to have the distribution separately taxed under the Internal Revenue Code of 1954 and providing for a January 1 effective date. (House amendment S—5266.)

ALSO: That the House has on March 12, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2396, a bill for an act relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax.

This bill was read first time and **passed on file**.

REPORT OF THE 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 on March 16, 1982:

S.F. 2241
S.F. 2040
S.F. 2243
S.F. 2206
S.F. 2222
S.F. 2234
S.F. 2240
S.F. 2245
S.F. 2253
S.F. 2258
S.F. 2262
S.F. 2263
S.F. 2265
S.F. 2266
S.F. 2276
S.F. 446

CALVIN O. HULTMAN, Chairperson

CONSIDERATION OF BILLS (Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2040.

Senate File 2040

On motion of Senator Rush, Senate File 2040, a bill for an act requiring warning notices to be included in urea-formaldehyde foam insulation contracts and providing a penalty, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2040) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senate File 2243

On motion of Senator Tieden, Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons, was taken up for consideration.

Senator Gallagher offered amendment S—5225 filed by him on March 10, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5225 was adopted by a voice vote.

Senator Taylor asked and received unanimous consent that further action on **Senate File 2243** be deferred.

Senate File 2206

On motion of Senator Vande Hoef, Senate File 2206, a bill for an act relating to the regulation of persons engaged in the marketing or leasing of livestock, and providing civil remedies and civil penalties, was taken up for consideration.

Senator Husak offered amendment S—5172 filed by Senators Husak and Priebe on March 2, 1982, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 17, nays 29.

Amendment S—5172 lost.

Senator Husak offered amendment S—5171 filed by Senators Husak and Priebe on March 2, 1982, to pages 2 and 6 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 28.

Amendment S—5171 lost.

Senator Wells took the chair at 10:55 a.m.

Senator Hutchins offered amendment S—5195 filed by Senators Hutchins and Husak on March 4, 1982, to page 2 of the bill.

Senator Ramsey asked and received unanimous consent that action on amendment S—5195 be deferred.

Senator Husak offered amendment S—5268 filed by him from the floor to pages 2 and 6 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5268 be adopted?" (S.F. 2206) the vote was:

Ayes, 37:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	Doyle	Drake	Gallagher
Gratias	Holden	Husak	Hutchins
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Van Gilst	Waldstein	Wells
Yenger			

Nays, 10:

Carney	DeKoster	Dreeszen	Gentleman
Goodwin	Hester	Hulse	Jensen
Murray	Vande Hoef		

Absent or not voting, 3:

Deluhery	Hultman	Small
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Amendment S—5268 was adopted.

Senator Rush offered amendment S—5199 filed by him on March 4, 1982, to page 4 of the bill and moved its adoption.

Amendment S—5199 was adopted by a voice vote.

President Branstad took the chair at 11:30 a.m.

Senator Vande Hoef asked unanimous consent that Dr. Merle Lang, State Veterinarian from the Department of Agriculture be present in the Senate chamber during debate of Senate File 2206.

Senator Junkins asked and received unanimous consent that further action on **Senate File 2206** and amendment S—5195 be **deferred**.

Senate File 2245

On motion of Senator Gentleman, Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, was taken up for consideration.

Senator Gentleman asked and received unanimous consent that further action on **Senate File 2245** be deferred.

INTRODUCTION OF BILLS

Senate File 2288, by Committee on Ways and Means, a bill for an act relating to the prepayment of premium taxes by insurance companies.

Read first time and placed on Ways and Means calendar.

Senate File 2289, by Committee on Ways and Means, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax.

Read first time and placed on Ways and Means calendar.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:40 a.m., until 2:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:30 p.m., Senator Taylor presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2403, a bill for an act including waterworks and related facilities within the definition of essential corporate purpose.

This bill was read first time and passed on file.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Priebe for the afternoon session on request of Senator Junkins.

**CONSIDERATION OF BILL
(Steering Calendar)**

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2240.

Senate File 2240

On motion of Senator Baugher, Senate File 2240, a bill for an act repealing the statutes relating to the sale of gas lamps and certain appliances equipped with a pilot light, was taken up for consideration.

Senator Gallagher offered amendment S—5222 filed by Senators Gallagher and Ramsey on March 10, 1982, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5222 was adopted by a voice vote.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2240) the vote was:

Ayes, 46:

- | | | | |
|--------------|--------------|-----------|-----------|
| Anderson | Baugher | Bisenius | Briles |
| Brown | Carney | Carr | Coleman |
| Craft | DeKoster | Doyle | Drake |
| Dreeszen | Gallagher | Gentleman | Goodwin |
| Gratias | Hester | Holden | Hulse |
| Hultman | Husak | Hutchins | Jensen |
| Junkins | Kinley | Kudart | Lura |
| Miller, A.V. | Miller, C.P. | Murray | Nystrom |
| Palmer | Ramsey | Readinger | Rodgers |
| Rush | Schwengels | Slater | Taylor |
| Tieden | Vande Hoef | Van Gilst | Waldstein |
| Wells | Yenger | | |

Nays, none.

Absent or not voting, 4:

Comito	Deluhery	Priebe	Small
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Comito for the remainder of the day on request of Senator Nystrom.

BUSINESS PENDING

Senate File 2245

The Senate resumed consideration of Senate File 2245, previously deferred.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2245) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tiedeh
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Deluhery	Hester	Priebe
Small	Vande Hoef		

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 2253.

Senate File 2253

On motion of Senator Nystrom, Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2253) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Lura

Absent or not voting, 5:

Comito	Deluhery	Hester	Priebe
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 for consideration Senate File 2258.

Senate File 2258

On motion of Senator Doyle, Senate File 2258, a bill for an act relating to procedures in small claims actions, was taken up for consideration.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2258) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Deluhery	Jensen	Priebe
Readinger	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 for consideration Senate File 2262.

Senate File 2262

On motion of Senator Hutchins, Senate File 2262, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings, was taken for consideration.

Senator Hutchins offered amendment S—5262 filed by him on March 15, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5262 lost by a voice vote.

Senator Hutchins moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2262) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Deluhery	Holden	Priebe
Schwengels	Small		

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

WITHDRAWN

Senator Doyle asked and received unanimous consent that Senate Files 2038 and 2081 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS (Steering Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2263.

Senate File 2263

On motion of Senator Vande Hoef, Senate File 2263, a bill for an act to assure the continuation of human service programs delivered by community action agencies, was taken up for consideration.

Senator Junkins asked and received unanimous consent that further action on **Senate File 2263** be deferred.

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2265.

Senate File 2265

On motion of Senator Baugher, Senate File 2265, a bill for an act providing for the compensation of innocent victims of criminal acts, and providing penalties for fraudulent claims, was taken up for consideration.

Senator Rush asked and received unanimous consent that **Senate File 2265** be referred to the committee on **Appropriations**.

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2276.

Senate File 2276

On motion of Senator Holden, Senate File 2276, a bill for an act relating to the regulation of financial institutions, was taken up for consideration.

President Branstad took the chair at 4:05 p.m.

Senator Hultman asked and received unanimous consent that further action on **Senate File 2276** be deferred.

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2234.

Senate File 2234

On motion of Senator Hutchins, Senate File 2234, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference, was taken up for consideration.

Senator Hutchins offered amendment S—5271 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5271 was adopted by a voice vote.

Senator Tieden offered amendment S—5272 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5272 was adopted by a voice vote.

Senator Hutchins moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2234) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Comito	Miller, C.P.	Small
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED (Pending March 11, 1982)

Senate File 397

The Senate resumed consideration of Senate File 397, a bill for an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees, and House amendment S—5072 filed February 8, 1982, pending on March 11, 1982.

Senator Yenger moved that the Senate concur in House amendment S—5072, which 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 397) the vote was:

Ayes, 46:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Hultman

Absent or not voting, 3:

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

HOUSE AMENDMENTS CONSIDERED

Senate File 2180

Senator Gratias called up for consideration Senate File 2180, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans, amended by the House, and moved that the Senate concur in House amendment S—5230 filed March 11, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gratias moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2180) the vote was:

Ayes, 41:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Craft
DeKoster	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rush	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Nays, 7:

Carr	Deluhery	Palmer	Rodgers
Slater	Van Gilst	Wells	

Absent or not voting, 2:

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

Senate File 2134

Senator Jensen called up for consideration Senate File 2134, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways including combinations of vehicles coupled together used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis and boats if the overall length of the combination of vehicles does not exceed sixty-five feet and semitrailers with a distance of not more than forty feet between the kingpin and the rearmost axle, amended by the House, and moved that the Senate concur in House amendment S—5240 filed March 12, 1982.

The motion prevailed by a voice vote 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2134) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 3:

DeKoster	Gentleman	Murray
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Absent or not voting, 2:

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

Senate File 490

Senator Kudart called up for consideration Senate File 490, a bill for an act to allow tort claim actions against the state to be tried before a jury, amended by the House, and moved that the Senate concur in House amendment S—5229 filed March 11, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 490) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Comito Small

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 4, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

This bill was read first time and **passed on file**.

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. R.	112	Rules and Administration
H.F.	2375	Judiciary
H.F.	2378	Natural Resources
H.F.	2379	Natural Resources
H.F.	2394	Cities
H.F.	2399	Education
H.F.	2402	Transportation

COMMUNICATIONS

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

A copy of the 1981 annual report prepared by the Department of Environmental Quality, pursuant to Sec. 455B.5(6), Code 1981.

TREASURER OF STATE

A copy of Part II of the Biennial Report for the fiscal year July 1, 1979 through June 30, 1980, prepared by the Treasurer of State. Part I was received by the Secretary in July of 1980.

Copies are available to members of the Senate upon request.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to standing committees for investigation on March 16, 1982:

Job Service Appeal Board—Richard R. Ramsey—Labor and Industrial Relations

Iowa Family Farm Development Authority—Sonja L. Larsen—Agriculture

Iowa Family Farm Development Authority—Earl Powers—Agriculture

Iowa Railway Finance Authority—George F. Davison—Transportation

State Transportation Commission—Robert R. Rigler—Transportation

State Transportation Commission—Austin B. Turner—Transportation

CALVIN O. HULTMAN, Chair

STUDY BILL RECEIVED

S.S.B. 2258 Education Appropriations Subcommittee

To appropriate funds from Public Law 97-35, Title V, Subtitle d, chapter 2 to the department of public instruction.

SUBCOMMITTEE ASSIGNMENTS FOR GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, the following Senators were appointed to subcommittees of standing committees:

EDUCATION: As a member of the Board of Public Instruction:

LUCAS J. DeKOSTER
Carney, Chair
Brown
Gratias

EDUCATION: As a member of the Board of Public Instruction:

JOHN MOATS
Taylor, Chair
Anderson
Dreeszen

EDUCATION: As a member of the Board of Public Instruction:

SUSAN M. WILSON
Jensen, Chair
Wells
Small

JUDICIARY: As a member of the Iowa Board of Parole:

WALTER L. SAUER
Baugher, Chair
Rush
Taylor

JUDICIARY: As a member of the Iowa Crime Commission:

MORRIS F. JOHNSON
Dreeszen, Chair
Baugher
Coleman

JUDICIARY: As a member of the Iowa Crime Commission:

LONNY T. MORRISON
Coleman, Chair
Doyle
Carr

JUDICIARY: As a member of the Iowa Crime Commission:

KATHLEEN NEYLAN
Taylor, Chair
Deluhery
Murray

JUDICIARY: As a member of the Iowa State Civil Rights Commission:

LARRY HARRIS
Small, Chair
Lura
Ramsey

LABOR AND INDUSTRIAL RELATIONS: As a member of the Job Service Appeal Board:

RICHARD R. RAMSEY
Goodwin, Chair
Carney
Anderson

TRANSPORTATION: As members of the Iowa Railway Finance Authority:

GEORGE F. DAVISON
FRANCIS KENKEL
Drake, Chair
Jensen
Coleman

TRANSPORTATION: As members of the State Transportation Commission:

ROBERT R. RIGLER
AUSTIN B. TURNER
Drake, Chair
Jensen
Coleman

REPORT OF COMMITTEE

Final Bill Action: HOUSE CONCURRENT RESOLUTION 123, a resolution declaring March 21 through March 27 as "Iowa Nutrition Week".

Recommendation: DO PASS.

Final Vote: Ayes, 6: Kinley, Junkins, Hultman, Hulse, Holden and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF INVESTIGATING COMMITTEE
(Place Nominee on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Labor and Industrial Relations assigned to investigate the character and qualifications of John E. Beamer, Des Moines, Polk County, Iowa, for reappointment as a member of the Public Employment Relations Board under the provisions of Section 20.5, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

**COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS**
MERLIN D. HULSE, Chair

**FURTHER
REPORT OF COMMITTEE MEETING**

WAYS AND MEANS*

*A previous report of this meeting was recorded on page 724 of the Senate Journal.

Final Bill Action: SENATE FILE 2288 (SSB 2239), a bill for an act relating to the prepayment of premium taxes by insurance companies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Readinger, Rodgers, Hester, Holden, Husak, Palmer, Ramsey and Van Gilst. Nays, 3: Lura, Priebe and Taylor. Absent or not voting, 3: Junkins, Hultman and Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2289, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Junkins, Hultman and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: March 16, 1982, 1:33 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Priebe.

Final Bill Action: HOUSE FILE 858, a bill for an act relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Rush and Taylor. Nays, none. Absent or not voting, 3: Ramsey, Priebe and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:12 p.m.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 16, 1982.

Had I been present, I would have voted "aye" on Senate File 2234.

CHARLES P. MILLER

AMENDMENTS FILED

S—5266	S. F.	400	House Amendment
S—5267	S. F.	2243	Ray Taylor

S-5268	S. F.	2206	Emil J. Husak
S-5269	S. F.	446	A.R. Bud Kudart Richard Comito
S-5270	S. F.	2206	Dick Ramsey
S-5271	S. F.	2234	C.W. Bill Hutchins
S-5272	S. F.	2234	Dale L. Tieden
S-5273	S. F.	2265	Gary L. Baugher
S-5274	S. F.	2206	C.W. Bill Hutchins Dick Ramsey Berl E. Priebe
S-5275	S. F.	2286	Forrest V. Schwengels Arne Waldstein
S-5276	S. F.	2241	Bob Rush
S-5277	S. F.	2230	Bob Rush
S-5278	S. F.	2276	Berl E. Priebe John W. Jensen Jack W. Hester Mick Lura Richard Vande Hoef
S-5279	S. F.	2263	Tom Slater

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:40 p.m., until 10:00 a.m., Wednesday, March 17, 1982.

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
 FORTY-FIFTH SESSION DAY

Senate Chamber
 Des Moines, Iowa, Wednesday, March 17, 1982

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by Father John W. Stark, pastor of the St. Patrick's Catholic Church, Tama, Iowa.

The Journal of Tuesday, March 16, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Eugene Ritter, M.D., Centerville, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 15, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2395, a bill for an act providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 15, 1982, passed (with amendment H—5290 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

House File 2397, a bill for an act relating to the time of expiration of the commission of a notary public and to the notice required to be given by the secretary of state and allowing the secretary of state to appoint as a notary public a resident of a border state working in Iowa.

This bill was read first time and **passed on file**.

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 on March 17, 1982:

S.F. 2220
S.F. 156
S.F. 2225
S.F. 2226
S.F. 2230
S.F. 2231
S.F. 403
S.F. 2252
S.F. 2268
S.F. 2270
S.F. 2271
S.F. 2273
S.F. 2286

CALVIN O. HULTMAN, Chair

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

The Senate resumed session, President pro tempore Ramsey presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:30 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

BILLS REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate Resolution 111** and **Senate Concurrent Resolution 106** be referred from the Regular Calendar to the committee on **Rules and Administration**.

CONSIDERATION OF BILL (Steering Calendar)

Senate File 2220

On motion of Senator Holden, Senate File 2220, a bill for an act repealing a Code provision requiring the Iowa commerce commission to hold a special hearing to determine if charges payable by the state or any agency of the state for communications services are reasonable, was taken up for consideration.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2220) the vote was:

Ayes, 42:

Baughner	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Doyle	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Anderson	Craft	Dreeszen	Gallagher
Kinley	Palmer	Small	Vande Hoef

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 Vande Hoef for the afternoon session on request of Senator Hultman.

UNFINISHED BUSINESS (Deferred March 5, 1982)

Senate File 2193

The Senate resumed consideration of Senate File 2193, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund, deferred on March 5, 1982.

Senator Priebe asked and received unanimous consent that action on **Senate File 2193** be deferred.

CONSIDERATION OF BILL (Steering Calendar)

Senate File 2241

On motion of Senator Rush, Senate File 2241, a bill for an act relating to fire safety, and providing penalties, was taken up for consideration.

Senator Rush offered amendment S—5276 filed by him on March 16, 1982, to page 3 of the bill and moved its adoption.

Amendment S—5276 was adopted by a voice vote.

Senator Rush asked and received unanimous consent that **House File 2409** be substituted for **Senate File 2241** as amended.

House File 2409

On motion of Senator Rush, House File 2409, a bill for an act relating to fire safety, and providing penalties, was taken up for consideration.

Senator Rush asked and received unanimous consent that further action on **House File 2409** be **deferred** and the bill be placed on the calendar under **unfinished business**.

MOTION TO RECONSIDER ADOPTED
(Deferred March 10, 1982)

The Senate resumed consideration of the motion to reconsider Senate File 2103 filed by Senator Coleman on February 8, 1982, and found on page 317 of the Senate Journal, deferred on March 10, 1982.

Senator Coleman moved the adoption of the motion to reconsider.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2103) the vote was:

Ayes, 42:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Deluhery	Doyle	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Tieden

Absent or not voting, 7:

Baughner	Craft	DeKoster	Dreeszen
Kinley	Small	Vande Hoef	

The motion prevailed.

Senator Coleman moved to reconsider the vote by which Senate File 2103 went to its last reading, which motion prevailed by a voice vote.

Senate File 2103

On motion of Senator Holden, Senate File 2103, a bill for an act relating to the regulation of electric transmission lines operated at less than thirty-four thousand five hundred volts, was taken up for reconsideration.

Senator Holden offered amendment S—5233 filed by Senators Holden and Coleman on March 11, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5233 was adopted by a voice vote.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2103) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Comito	Deluhery
Doyle	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Van Gilst
Waldstein	Wells	Yenger	

Nays, 2:

Carr	Coleman
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Absent or not voting, 5:

Craft	DeKoster	Dreeszen	Small
Vande Hoef			

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 for consideration Senate File 2266.

Senate File 2266

On motion of Senator Priebe, Senate File 2266, a bill for an act relating to the prosecution and sentencing of a person who admits the fraudulent receipt of certain public assistance, was taken up for consideration.

Senator Priebe asked and received unanimous consent that further action on **Senate File 2266** be deferred.

Senate File 446

On motion of Senator Kudart, Senate File 446, a bill for an act establishing a precious metal dealer's license and providing a penalty, was taken up for consideration.

Senator Kudart offered amendment S—5269 filed by Senators Kudart and Comito on March 16, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5269 was adopted by a voice vote.

Senator Lura raised the point of order that under Senate Rule 38, Senate File 446 was not eligible for consideration by the Senate.

The Chair ruled the point not well taken.

Senator Hultman asked and received unanimous consent that further action on **Senate File 446** be deferred.

BUSINESS PENDING

Senate File 2266

The Senate resumed consideration of Senate File 2266, previously deferred.

Senator Ramsey offered amendment S—5285 filed by him from the floor to page 1 of the bill.

Senator Priebe raised the point of order that amendment S—5285 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5285 in order.

Senator Doyle rose on a point of information to question whether the title of the bill would have to be amended if amendment S—5285 was adopted.

The Chair advised that the title would have to be amended if amendment S—5285 was adopted.

Senator Ramsey moved the adoption of amendment S—5285.

A non record roll call was requested.

The ayes were 10, nays 35.

Amendment S—5285 lost.

Senator Priebe moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2266) the vote was:

Ayes, 41:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Comito
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Gratias	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Van Gilst	Wells
Yenger			

Nays, 3:

Goodwin	Holden	Ramsey
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Absent or not voting, 6:

Coleman	Craft	DeKoster	Small
Vande Hoef	Waldstein		

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

WITHDRAWN

Senator Priebe asked and received unanimous consent that **Senate File 2113** be withdrawn from further consideration of the Senate.

UNFINISHED BUSINESS (Deferred March 10, 1982)

Senate File 2202

The Senate resumed consideration of Senate File 2202, a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties, deferred on March 10, 1982.

Senator Rush offered amendment S—5287 filed by Senators Rush and Ramsey from the floor to pages 3 and 4 of the bill and moved its adoption.

Amendment S—5287 was adopted by a voice vote.

Senator Ramsey offered amendment S—5284 filed by Senators Ramsey and Rush from the floor to page 7 of the bill and moved its adoption.

Amendment S—5284 was adopted by a voice vote.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2202) the vote was:

Ayes, 45:

Anderson
Brown
Comito
Dreeszen

Baughner
Carney
Deluhery
Gallagher

Bisenius
Carr
Doyle
Gentleman

Briles
Coleman
Drake
Goodwin

Gratias	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe •	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Craft	DeKoster	Hultman	Small
Vande Hoef			

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

UNFINISHED BUSINESS (Deferred March 9, 1982)

Senate File 2109

The Senate resumed consideration of Senate File 2109, a bill for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules, and amendment S—5160 by the committee on State Government, deferred on March 9, 1982.

Senator Hutchins moved the adoption of amendment S—5160 to page 1 of the bill, which motion prevailed by a voice vote.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2109) the vote was:

Ayes, 46:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Cornito	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom

Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Craft	DeKoster	Small	Vande Hoef
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Steering Calendar)

Senate File 156

On motion of Senator Hutchins, Senate File 156, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gallagher offered amendment S—5261 filed by him on March 15, 1982, to page 2 of the bill and moved its adoption.

Amendment S—5261 lost.

Senator Ramsey asked and received unanimous consent that further action on **Senate File 156** be deferred.

Senate File 2225

On motion of Senator Holden, Senate File 2225, a bill for an act amending section 476.6, unnumbered paragraph 6 of the Code as it relates to the definition of the filing date of new or changed rates, charges, schedules, or regulations for purposes of the collection of temporary rates by a rate-regulated public utility in connection with a newly constructed electric generating facility and to the rate of interest payable on rate refunds, was taken up for consideration.

President Branstad took the chair at 3:45 p.m.

Senator Rush offered amendment S—5188 filed by Senators Rush and Deluhery on March 4, 1982, to page 3 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5188 be adopted?" (S.F. 2225) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 39:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
DeKoster	Deluhery	Doyle	Dreeszen
Gallagher	Gentleman	Gratias	Hester
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Rush	Schwengels	Slater	Tieden
Van Gilst	Wells	Yenger	

Nays, 7:

Drake	Goodwin	Holden	Hulse
Ramsey	Taylor	Waldstein	

Voting present, 1:

Carney

Absent or not voting, 3:

Craft	Small	Vande Hoef
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Amendment S—5188 was adopted.

Senator Holden asked and received unanimous consent that further action on Senate File 2225 be deferred.

Senate File 2226

On motion of Senator Miller of Cerro Gordo, Senate File 2226, a bill for an act to allow the movement of two trailers drawn by a motor truck up to a combined length of eighty feet on certain highways from the place of manufacture or assembly in the state to a retail dealer's place of business in the state, was taken up for consideration.

Senator Gratias offered amendment S—5210 filed by him on March 9, 1982, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5210 was adopted by a voice vote.

Senator Miller of Cerro Gordo moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2226) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Van Gilst	Waldstein
Wells	Yenger		

Nays, 3:

Gentleman	Holden	Murray
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Absent or not voting, 5:

Craft	DeKoster	Hulse	Small
Vande Hoef			

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

Senator Gentleman took the chair at 4:13 p.m.

Senate File 2231

On motion of Senator Jensen, Senate File 2231, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2231) the vote was:

Ayes, 38:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Deluhery
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Slater	Taylor	Tieden	Van Gilst
Wells	Yenger		

Nays, 7:

Comito	DeKoster	Doyle	Gallagher
Kudart	Murray	Rush	

Absent or not voting, 5:

Coleman	Craft	Small	Vande Hoef
Waldstein			

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

Senate File 403

On motion of Senator Hutchins, Senate File 403, a bill for an act relating to ways condemned by landowners having no access to their property, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hutchins offered amendment S—5220 filed by the committee on Transportation on March 10, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5220 was adopted by a voice vote.

With the adoption of amendment S—5220, the Chair ruled amendment S—3212 filed by Senator Hutchins on March 18, 1981, to page 1 of the bill and amendment S—3266 filed by Senator Drake on March 30, 1981, to page 1 of the bill, out of order.

Senator Hutchins moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 403) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Van Gilst	Wells	Yenger

Nays, 1:

Doyle

Absent or not voting, 5:

Craft	Palmer	Small	Vande Hoef
Waldstein			

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

Senate File 2252

On motion of Senator Drake, Senate File 2252, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state, was taken up for consideration.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2252) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen

Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Van Gilst	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Craft	Gallagher	Small	Vande Hoef
Waldstein			

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 109

By: Committee on Appropriations

1 *Whereas*, the General Assembly is concerned about
2 the proposed federal budget for the fiscal year 1983,
3 including the funds available and eligibility for
4 federal aid to college and university students; and
5 *Whereas*, the State of Iowa has long demonstrated
6 its commitment to higher education through its support
7 to both students and educational institutions; and
8 *Whereas*, members of the General Assembly are con-
9 cerned that changes in federal funds and eligibility
10 requirements will affect the number of students
11 receiving aid; and
12 *Whereas*, the number of college and university
13 students receiving aid might present a difficult
14 challenge to students and educational institutions and
15 affect the quality of higher education in Iowa; and
16 *Whereas*, students in the process of obtaining degrees,
17 who have minimal flexibility to change goals and plans,
18 might face a particularly difficult challenge in
19 completing their educational goals; and
20 *Whereas*, the State of Iowa, though willing to support
21 students aid programs, needs time to prepare for the transi-
22 tion from federal to state support and does not presently
23 have the resources or the facilities adequate to support
24 a greatly enlarged student aid program; and
25 *Whereas*, given time, the State of Iowa may be able
26 to provide the resources and facilities to adequately

27 administer a greatly enlarged, state supported, student
28 aid program; *Now Therefore,*
29 *Be It Resolved by the Senate, the House Concurring,*
30 That the General Assembly petitions the President of the

Page 2

1 United States and the Congress of the United States to
2 consider the problem of maintaining student aid programs
3 with a goal of continuing reasonable funding and eligibility
4 requirements, until the State of Iowa has time to study
5 and evaluate the role of the state in student aid
6 programs and to implement an adequate state-supported
7 student aid program; and
8 *Be It Further Resolved,* That copies of this resolution be
9 transmitted by the Secretary of the Senate and the
10 Chief Clerk of the House to the President of the United
11 States and to each member of the Iowa congressional
12 delegation.

Read first time and placed on the Appropriations Calendar.

INTRODUCTION OF BILL

Senate File 2290, by Committee on Agriculture, a bill for an act requiring licensed grain dealers to keep records of all purchased grain containing confetti or other markings.

Read first time and placed on calendar.

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2091, the following technical corrections were made to amendment S—5245:

1. Page 1, line 35, "section 707" was changed to "section 12".
2. Page 1, line 39, "section 707" was changed to "section 12".
3. Page 2, line 39, "Sec. 707." was changed to "Sec. 12.".
4. Page 3, line 19, "section 707" was changed to "section 12".
5. Page 3, line 22, "section 707" was changed to "section 12".
6. Page 3, line 30, "section 707" was changed to "section 12".

K. MARIE THAYER
Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2396	Ways and Means
H.F.	2403	Cities

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5183 to Senate File 2178 was adopted by the Senate on March 9, 1982.

JOHN S. MURRAY

SUBCOMMITTEE ASSIGNMENTS FOR GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, the following Senators were appointed to subcommittees of standing committees:

AGRICULTURE: As a member of the Iowa Family Farm Development Authority:

SONJA L. LARSEN
Van Gilst, Chair
Hulse
Waldstein

AGRICULTURE: As a member of the Iowa Family Farm Development Authority:

EARL POWERS
Husak, Chair
Dreeszen
Hutchins

FURTHER
REPORT OF COMMITTEE MEETING

AGRICULTURE*

*A previous report of this meeting was recorded on page 720 of the Senate Journal.

Final Bill Action: SENATE FILE 2290 (SSB 2221), a bill for an act requiring licensed grain dealers to keep records of all purchased grain containing confetti or other markings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Taylor, Hester, Hutchins, Husak, A. Miller, Van Gilst and Hulse. Nays, none. Absent or not voting, 3: Waldstein, Vande Hoef and Dreeszen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 16, 1982, 8:10 a.m.

Members Present: Carney, Chair; Van Gilst, Ranking Member; Dreeszen, Hutchins and Nystrom.

Members Absent: none.

Other Committee Business: Approved proposed bill for distribution of block grant funds and a proposed joint resolution and sent to full Appropriations Committee.

Adjourned: 9:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 16, 1982, 8:15 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger and Kudart.

Members Absent: A. Miller (excused).

Other Committee Business: Discussed block grants.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: March 16, 1982, 8:15 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Presentation by Robert F. Tyson, Director, Energy Policy Council, regarding federal block grants.

Adjourned: 9:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 16, 1982, 8:15 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member (arrived 8:50 a.m.); Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Sandy Scott, Director of Community Services, DSS, gave review of federal social services block grants; Chuck Palmer, Director, Mental Health Resources, on the conceptual design for Human Service Planning Councils; Nancy Norman, General Administration, summarized audit costs.

Adjourned: 10:04 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: March 16, 1982, 8:15 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Taylor, Lura and Wells.

Members Absent: none.

Other Committee Business: Discussion on community service and community development block grants.

Adjourned: 10:00 a.m.

APPROPRIATIONS:

Convened: March 17, 1982, 11:32 a.m.

Members Present: Murray, Chair; Tieden, Vice Chair; Palmer, Ranking Member (arrived 11:36 a.m.); Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins (arrived 11:42 a.m.), Ramsey, Rush, Schwengels, Slater, Van Gilst (arrived 11:35 a.m.), Waldstein and Yenger (arrived 11:38 a.m.).

Members Absent: Small (excused).

Final Bill Action: SENATE FILE 2178, a bill for an act relating to the administration and benefits of public retirement systems.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5288.

Final Vote: Ayes, 18: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2191, a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, effective upon publication.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Ramsey, Rush, Schwengels, Slater, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 2: Junkins and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2233, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5289.

Final Vote: Ayes, 17: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Waldstein and Yenger. Nays, 1: Van Gilst. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2265, a bill for an act providing for the compensation of innocent victims of criminal acts, and providing penalties for fraudulent claims.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5291.

Final Vote: Ayes, 18: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Hultman, Jensen, Junkins, Ramsey, Rush, Deluhery, Schwengels, Slater, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 109, a resolution to petition Congress regarding student aid programs.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 18: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved SSB 2231 as a committee bill.

Adjourned: 12:02 p.m.

EXPLANATION OF VOTES

MR. PRESIDENT: I was unavoidably absent from the Senate chamber on March 16, 1982, when the following bills were passed: Senate Files 397, 2040, 2234, 2240, 2245, 2253, 2258, 2262, and amendment S—5268 to Senate File 2206.

Had I been present, I would have voted "aye" on each bill and the amendment.

PATRICK J. DELUHERY

PRESENTATION OF VISITORS

The Chair welcomed Eduardo Choquis from Argentina, exchange student who was visiting the Senate as the guest of

Senator Jensen. Eduardo was accompanied by Mr. and Mrs. Larry Wubben and their children, Stephanie and Todd from Waverly, Iowa.

AMENDMENTS FILED

S—5280	S. F.	2273	John W. Jensen Jack W. Hester
S—5281	S. F.	2276	Edgar H. Holden
S—5282	S. F.	2263	Donald V. Doyle Clarence S. Carney
S—5283	S. F.	2279	Lucas J. DeKoster
S—5284	S. F.	2202	Dick Ramsey Bob Rush
S—5285	S. F.	2266	Dick Ramsey
S—5286	S. F.	2178	John N. Nystrom
S—5287	S. F.	2202	Bob Rush Dick Ramsey
S—5288	S. F.	2178	Appropriations Committee
S—5289	S. F.	2233	Appropriations Committee
S—5290	H.F.	2369	Sue Yenger Edgar H. Holden Tom Slater
S—5291	S. F.	2265	Appropriations Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:35 p.m., until 9:00 a.m., Thursday, March 18, 1982.

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 18, 1982

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend James Kraph, pastor of the First Presbyterian Church, Battle Creek, Iowa.

The Journal of Wednesday, March 17, 1982, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hulse for the morning session on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 16, 1982, passed (with amendment H—5320 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

House File 2398, a bill for an act relating to a penalty for taking certain game and fish in violation of law.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 16, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2424, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILL

Senate File 2291, by Hultman and Junkins, a bill for an act to make the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive.

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

CONSIDERATION OF BILLS (Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2230.

On motion of Senator Baugher, Senate File 2230, a bill for an act relating to the limitation on garnishment, was taken up for consideration.

Senator Junkins asked and received unanimous consent that further action on **Senate File 2230** be **deferred**.

Senate File 2268

On motion of Senator Carr, Senate File 2268, a bill for an act authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties, was taken up for consideration.

Senator Carr moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2268) the vote was:

Ayes, 45:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura

Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Rodgers
Schwengels	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Baughner	Hulse	Readerger	Rush
Slater			

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 Ramsey, Senate File 2270, 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 Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2270) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readerger
Rodgers	Schwengels	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senate File 2271

On motion of Senator Drake, Senate File 2271, a bill for an act relating to the number of signatures necessary for nominations by petition for certain elective offices, was taken up for consideration.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2271) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senate File 2273

On motion of Senator Carney, Senate File 2273, a bill for an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits, was taken up for consideration.

Senator Carney asked and received unanimous consent that further action on **Senate File 2273** be deferred.

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2286.

Senate File 2286

On motion of Senator Schwengels, Senate File 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds, was taken up for consideration.

Senator Schwengels offered amendment S—5275 filed by Senators Schwengels and Waldstein on March 16, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5275 was adopted by a voice vote.

Senator Schwengels asked and received unanimous consent that further action on **Senate File 2286** be deferred.

MOTION TO RECONSIDER ADOPTED

Senator Vande Hoef called up the motion to reconsider Senate File 2037 filed by him on March 5, 1982, found on page 621 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2037) the vote was:

Ayes, 44:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hultman	Husak	Hutchins	Jensen
Kinley	Kudart	Lura	Miller, A.V.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Slater	Small	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 2:

Miller, C.P. Tieden

Absent or not voting, 4:

Baughner Hulse Junkins Rush

The motion prevailed.

Senator Vande Hoef moved to reconsider the vote by which Senate File 2037 went to its last reading, which motion prevailed by a voice vote.

Senate File 2037

On motion of Senator Doyle, Senate File 2037, a bill for an act to require a bond from a person who provides a handling service for a dealer or a person operating a redemption center and to provide a penalty for violations, was taken up for reconsideration.

Senator Vande Hoef offered amendment S—5213 filed by Senators Vande Hoef, Miller of Des Moines and Waldstein on March 9, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5213 was adopted by a voice vote.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2037) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Hulse

Murray

Rush

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

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

The Senate resumed session, President Branstad presiding.

UNFINISHED BUSINESS (Deferred February 8, 1982)

Senate File 568

The Senate resumed consideration of Senate File 568, a bill for an act relating to the regulation of boxing or wrestling matches and providing a penalty, deferred February 8, 1982.

Senator Hultman asked and received unanimous consent that further action on **Senate File 568** be deferred.

RECESS

On motion of Senator Hultman, the Senate recessed at 10:20 a.m., until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:00 a.m., Senator Gentleman presiding.

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 on March 18, 1982:

S.F. 508

S.F. 2272

S.F. 2274

S.F. 2277
S.F. 2278
S.F. 2280
S.F. 2281
S.F. 2282
S.F. 2283
S.F. 2285
S.F. 2287
S.F. 2290

CALVIN O. HULTMAN, Chair

RECESS

On motion of Senator Hultman, the Senate recessed at 11:05 a.m., until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:03 p.m., Senator Gratias presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Van Gilst for the afternoon session and March 19, 1982, on request of Senator Junkins; Senator Holden for the afternoon session and March 19, 1982, and Senator Hulse 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 Senate File 2272.

Senate File 2272

On motion of Senator Miller of Cerro Gordo, Senate File 2272, a bill for an act relating to grain dealer and grain warehouse licensing and the procedures for suspension or cancellation of a license, was taken up for consideration.

Senator Miller of Cerro Gordo asked and received unanimous consent that action on **Senate File 2272** be deferred.

Senate File 2274

On motion of Senator Gentleman, Senate File 2274, a bill for an act amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services, was taken up for consideration.

Senator Slater offered amendment S—5264 filed by him on March 15, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5264 was adopted by a voice vote.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2274) the vote was:

Ayes, 43:

Anderson	Baugher	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Nays, none.

Absent or not voting, 7:

Bisenius	Gallagher	Holden	Hulse
Palmer	Van Gilst	Wells	

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

BUSINESS PENDING

Senate File 2286

The Senate resumed consideration of Senate File 2286, previously deferred.

Senator Taylor offered amendment S—5304 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5304 was adopted by a voice vote.

Senator Baugher offered amendment S—5299 filed by him from the floor to page 2 of the bill.

Senator Schwengels raised the point of order that amendment S—5299 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5299 out of order.

Senator Small asked and received unanimous consent that further action on **Senate File 2286** be deferred.

UNFINISHED BUSINESS (Deferred March 16, 1982)

Senate File 2243

The Senate resumed consideration of Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons, deferred on March 16, 1982.

Senator Small offered amendment S—5307 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5307 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on amendments S—5267 and S—5295 be deferred for consideration of amendment S—5303.

Senator Waldstein offered amendment S—5303 filed by him from the floor to page 1 of the bill.

Senator Junkins raised the point of order that amendment S—5303 was out of order with the passage of amendment S—5225 on March 16, 1982.

President Branstad took the chair at 3:15 p.m.

Senator Junkins withdrew his point of order.

Senator Junkins asked and received unanimous consent that further action on amendment S—5303 be deferred.

Senator Junkins asked and received unanimous consent to take up the following motion to reconsider filed by Senator Gallagher from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5225 to Senate File 2243 was adopted by the Senate on March 16, 1982.

Senator Gallagher 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. 2243) the vote was:

Ayes, 30:

Anderson	Baughner	Bisenius	Briles
Carney	Coleman	Craft	DeKoster
Doyle	Drake	Dreeszen	Goodwin
Gratias	Hester	Hultman	Husak
Hutchins	Jensen	Lura	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Taylor	Vande Hoef
Waldstein	Yenger		

Nays, 17:

Brown	Carr	Comito	Deluhery
Gallagher	Gentleman	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Palmer
Rush	Slater	Small	Tieden
Wells			

Absent or not voting, 3:

Holden Hulse Van Gilst

The motion prevailed and amendment S—5225 to page 1 of the bill was taken up for reconsideration.

Senator Gallagher asked and received unanimous consent that further action on amendment S—5225 be deferred.

Senator Waldstein moved the adoption of amendment S—5303 to page 1 of the bill, previously deferred.

A record roll call was requested.

On the question "Shall amendment S—5303 be adopted?" (S.F. 2243) the vote was:

Ayes, 27:

Baughner	Bisenius	Briles	Carney
Coleman	Craft	DeKoster	Doyle
Drake	Dreeszen	Goodwin	Gratias
Hester	Hultman	Husak	Hutchins
Jensen	Lura	Miller, A.V.	Nystrom
Ramsey	Readinger	Rodgers	Schwengels
Vande Hoef	Waldstein	Yenger	

Nays, 20:

Anderson	Brown	Carr	Comito
Deluhery	Gallagher	Gentleman	Junkins
Kinley	Kudart	Miller, C.P.	Murray
Palmer	Priebe	Rush	Slater
Small	Taylor	Tieden	Wells

Absent or not voting, 3:

Holden Hulse Van Gilst

Amendment S—5303 was adopted.

With the adoption of amendment S—5303, the Chair ruled the following amendments out of order:

S—5267 filed by Senator Taylor on March 16, 1982, to page 1 of the bill, previously deferred.

S—5295 filed by Senators Vande Hoef and Carney from the floor to page 1 of the bill, previously deferred.

S—5225 by Senator Gallagher to page 1 of the bill, previously deferred.

Senator Deluhery offered amendment S—5305 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—5305 be adopted?” (S.F. 2243) the vote was:

Ayes, 18:

Anderson	Brown	Carr	Comito
Deluhery	Gallagher	Gentleman	Husak
Junkins	Kinley	Kudart	Miller, C.P.
Murray	Palmer	Rush	Slater
Small	Wells		

Nays, 29:

Baughner	Bisenius	Briles	Carney
Coleman	Craft	DeKoster	Doyle
Drake	Dreeszen	Goodwin	Gratias
Hester	Hultman	Hutchins	Jensen
Lura	Miller, A.V.	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Absent or not voting, 3:

Holden	Hulse	Van Gilst
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Amendment S—5305 lost.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (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, 29:

Baugher	Bisenius	Briles	Carney
Craft	DeKoster	Doyle	Drake
Dreeszen	Goodwin	Gratias	Hester
Hultman	Hutchins	Jensen	Junkins
Lura	Miller, A.V.	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Nays, 17:

Anderson	Brown	Carr	Coleman
Comito	Deluhery	Gallagher	Gentleman
Husak	Kinley	Kudart	Miller, C.P.
Palmer	Rush	Slater	Small
Wells			

Absent or not voting, 4:

Holden	Hulse	Murray	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2243 passed the Senate on March 18, 1982.

DALE L. TIEDEN

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2243 passed the Senate on March 18, 1982.

LOWELL L. JUNKINS

CONSIDERATION OF BILLS
(Steering Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2278.

Senate File 2278

On motion of Senator Taylor, Senate File 2278, a bill for an act relating to obscenity offenses and providing penalties, was taken up for consideration.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2278) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Carney	Holden	Hulse	Murray
Readinger	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 for consideration Senate File 2277.

Senate File 2277

On motion of Senator Wells, Senate File 2277, a bill for an act relating to the regulation of traffic on secondary roads, was taken up for consideration.

Senator Wells moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2277) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Holden	Hulse	Murray	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2280.

Senate File 2280

On motion of Senator Baughner, Senate File 2280, a bill for an act relating to restitution by public offenders, was taken up for consideration.

Senator Baughner asked and received unanimous consent that further action on **Senate File 2280** be deferred.

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2281.

Senate File 2281

On motion of Senator Nystrom, Senate File 2281, a bill for an act relating to the contract price for construction of a public improvement which requires a bond, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2281) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Vande Hoef	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Holden	Hulse	Murray	Tieden
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 for consideration Senate File 2282.

Senate File 2282

On motion of Senator Schwengels, Senate File 2282, a bill for an act to establish the Terrace Hill authority, was taken up for consideration.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2282) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
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Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Vande Hoef
Waldstein	Wells	Yenger	

Nays, 2:

Miller, C.P. Tieden

Absent or not voting, 5:

Comito Holden Hulse 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 for consideration Senate File 2283.

Senate File 2283

On motion of Senator Schwengels, Senate File 2283, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date, was taken up for consideration.

Senator Schwengels withdrew amendment S—5302 filed by him from the floor to page 5 of the bill.

Senator Schwengels offered amendment S—5308 filed by him from the floor to page 5 of the bill and moved its adoption.

Amendment S—5308 was adopted by a voice vote.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2283) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2285.

Senate File 2285

On motion of Senator Drake, Senate File 2285, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication, was taken up for consideration.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2285) the vote was:

Ayes, 37:

Anderson	Baughner	Bisenius	Brown
Carr	Comito	Craft	DeKoster
Deluhery	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Hultman
Husak	Hutchins	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Murray

Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Small	Taylor	Tieden	Wells
Yenger			

Nays, 7:

Carney	Coleman	Doyle	Gentleman
Kudart	Rush	Vande Hoef	

Absent or not voting, 6:

Briles	Holden	Hulse	Jensen
Van Gilst	Waldstein		

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 Senate File 2287.

Senate File 2287

On motion of Senator Dreeszen, Senate File 2287, a bill for an act to limit the application of the importation and inspection regulations of the Iowa crop pest Act to persons in the business of selling or transporting plants and plant products, was taken up for consideration.

Senator Dreeszen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2287) the vote was:

Ayes, 41:

Anderson	Bisenius	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hultman	Husak	Hutchins
Jensen	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, 5:

Baugher	Brown	Junkins	Rush
Small			

Absent or not voting, 4:

Briles	Holden	Hulse	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2290.

Senate File 2290

On motion of Senator Taylor, Senate File 2290, a bill for an act requiring licensed grain dealers to keep records of all purchased grain containing confetti or other markings, was taken up for consideration.

Senator Taylor offered amendment S—5294 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5294 was adopted by a voice vote.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2290) the vote was:

Ayes, 45:

Anderson	Bisenius	Brown	Carney
Carr	Coleman	Cornito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Baughner
Van Gilst

Briles

Holden

Hulse

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 110
By: Committee on Labor and Industrial Relations

1 *Whereas*, the director of the department of job
2 service has informed the governor and the general
3 assembly, pursuant to the director's duty under section
4 96.11 of the Code of Iowa, that Iowa's unemployment
5 compensation trust fund will become insolvent on or
6 about the second week of April, 1982; and
7 *Whereas*, current projections indicate that the
8 unemployment compensation trust fund balance at the
9 end of 1982 will again be dangerously low, even if
10 advance moneys are received from the federal govern-
11 ment for the payment of unemployment compensation
12 during calendar year 1982; and
13 *Whereas*, the possible immediate and long-range
14 solutions to the low trust fund balance are numerous
15 and varied and involve complicated projections of
16 revenue, expenditures, and economic recovery through-
17 out calendar years 1982 and 1983; *Now Therefore*
18 *Be It Resolved by the Senate, the House Concurring,*
19 That the legislative council is requested to appoint
20 a joint subcommittee consisting of members of the
21 senate and house committees on labor and industrial
22 relations to monitor the level of the unemployment
23 compensation trust fund and to study possible solutions
24 to prevent trust fund insolvency; and
25 *Be It Further Resolved*, That the joint subcommittee
26 report its findings and recommendations, including
27 legislative bill drafts, if any, to implement the recom-
28 mendations, to the legislative council and the general
29 assembly meeting in 1983.

Read for the first time and referred to committee on Rules and Administration.

INTRODUCTION OF BILL

Senate File 2292, by Committee on Ways and Means, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Read first time and placed on Ways and Means Calendar.

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2395	Ways and Means
H.F.	2397	State Government

COMMUNICATION FROM THE SECRETARY OF THE STATE

March 17, 1982

Ms. K. Marie Thayer
 Secretary of the Senate
 State Capitol Building
 LOCAL

Dear Ms. Thayer:

I hereby certify that House File 2034 was published in the Monona Billboard, Monona, Iowa, on March 11, 1982, and in the Audubon News-Advocate, Audubon, Iowa, on March 10, 1982.

Respectfully submitted,
 MARY JANE ODELL
 Secretary of State

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 18, 1982.

Had I been present, I would have voted "aye" on Senate File 2268.

DAVID M. READINGER

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2109 passed the Senate on March 17, 1982.

A.R. BUD KUDART

REPORT OF COMMITTEE

LABOR AND INDUSTRIAL RELATIONS

Final Bill Action: SENATE CONCURRENT RESOLUTION 110, a resolution to monitor the level of the unemployment compensation trust fund.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 8: Carney, Anderson, Brown, Goodwin, Gratias, Hultman, Kinley and Wells. Nays, none. Absent or not voting, 1: Hulse.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF INVESTIGATING COMMITTEE
(Place Nominee on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Labor and Industrial Relations assigned to investigate the character and qualifications of Richard R. Ramsey, Osceola, Clarke County, Iowa, as a member of the Job Service Appeal Board under the provisions of Section 96.6, 1981 Code of Iowa, for the unexpired portion of a term ending April 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS
MERLIN D. HULSE, Chair

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 17, 1982, 8:05 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger and Kudart.

Members Absent: A. Miller (excused).

Other Committee Business: Discussed block grants.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: March 17, 1982, 8:11 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Goodwin, Hester and Gallagher (arrived 8:27 a.m.).

Members Absent: none.

Other Committee Business: Made recommendations for FY 82 and FY 83 federal block grants to the Energy Policy Council.

Adjourned: 9:32 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: March 17, 1982, 8:10 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Taylor, Lura and Wells.

Members Absent: none.

Other Committee Business: Appropriations recommendations for community service and community development block grants.

Adjourned: 9:45 a.m.

WAYS AND MEANS

Convened: March 18, 1982, 1:40 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush and Taylor.

Members Absent: Holden, Hultman and Van Gilst.

Final Bill Action: SENATE FILE 2292, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Hester, Husak, Junkins, Lura, Priebe, Ramsey and Taylor. Nays, none. Absent or not voting, 5: Holden, Hultman, Palmer, Rush and Van Gilst.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 2362, a bill for an act relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes, including provision for a variable interest rate for underpayment or overpayment on

estimated payments of corporate income and franchise taxes, and making the Act retroactive to January 1, 1982, effective upon publication.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Hester, Husak, Junkins, Lura, Priebe, Ramsey and Taylor. Nays, none. Absent or not voting, 5: Holden, Hultman, Palmer, Rush and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; approved SSB 2038 as a committee bill.

Adjourned: 2:15 p.m.

COMMUNICATIONS

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

COMMISSION OF THE AGING

The Annual Report of the Commission on the Aging for the Fiscal Year 1981, pursuant to Sec. 249B.4, Code 1981. Summary reports were distributed to all members of the Senate.

DEPARTMENT OF TRANSPORTATION

Information about the series of public hearings concerning 65-foot twin-trailer trucks to be held by the Iowa Department of Transportation. The schedule for the first set of hearings is:

DATE	LOCATION	TIME	
March 19	Des Moines	Wallace Building Auditorium	1 p.m.
March 22	Atlantic	Municipal Utilities Building	1 p.m.
March 22	Storm Lake	Courthouse Community Room	7 p.m.
March 23	Mason City	City Hall Council Chamber	1 p.m.
March 23	Waterloo	City Hall Council Chamber	7 p.m.
March 24	Clinton	City Hall Council Chamber	10 a.m.
March 24	Ottumwa	YMCA, 611 N. Hancock	7 p.m.

PRESENTATION OF VISITORS

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

Forty-five students from North High School, Sioux City, Iowa, accompanied by Larry Twait and John Hejhal. Senators Carney and Doyle.

The following visitors were present in the Senate gallery:

Sixty-five students from Clegg Park Elementary School, West Des Moines, Iowa, accompanied by Mrs. True. Senator Gentleman.

AMENDMENTS FILED

S—5292	S. F.	2273	Arthur L. Gratias
S—5293	S. F.	2247	Education Committee
S—5294	S. F.	2290	Ray Taylor
S—5295	S. F.	2243	Richard Vande Hoef Clarence S. Carney
S—5296	S. F.	2273	Lucas J. DeKoster
S—5297	H.F.	844	Norman Rodgers Rolf V. Craft
S—5298	S. F.	2263	Sue Yenger
S—5299	S. F.	2286	Gary L. Baugher
S—5300	S. F.	446	Mick Lura
S—5301	S. F.	2280	Gary L. Baugher
S—5302	S. F.	2283	Forrest V. Schwengels
S—5303	S. F.	2243	Arne Waldstein
S—5304	S. F.	2286	Ray Taylor
S—5305	S. F.	2243	Patrick J. Deluhery
S—5306	S. F.	2230	Patrick J. Deluhery
S—5307	S. F.	2243	Arthur A. Small, Jr.
S—5308	S. F.	2283	Forrest V. Schwengels
S—5309	S. F.	446	Tom Slater
S—5310	S. F.	156	Dick Ramsey C.W. Bill Hutchins
S—5311	S. F.	2273	Ray Taylor
S—5312	S. F.	2273	Ray Taylor

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Friday, March 19, 1982.

JOURNAL OF THE SENATE

SIXTY-EIGHTH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 19, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Honorable Norman J. Goodwin, member of the Senate from Clinton County, DeWitt, Iowa.

The Journal of Thursday, March 18, 1982, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 5, 1982, **refused to concur** in the Senate amendment as amended to the following bill in which the concurrence of the House was asked:

House File 855, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter.

ALSO: That the House has on March 17, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2426, a bill for an act relating to the procedures for involuntary commitment or treatment of substance abusers.

This bill was read first time and **passed on file**.

House File 2431, a bill for an act revising deadlines for drawing election precincts, wards, and supervisor districts and requiring maps of supervisor districts to be filed with the state commissioner of elections.

This bill was read first time and **passed on file**.

House File 2432, a bill for an act to provide for approval to raise an additional enrichment amount for a school district's budget at a special election.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 19, passed (with amendments H—5406 and H—5461 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

House File 2435, a bill for an act relating to shooting ranges.

This bill was read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gratias for the day on request of Senator Hultman.

CONSIDERATION OF BILL (Noncontroversial Calendar)

Senator Nystrom asked and received unanimous consent to take up out of order Senate File 2187.

Senate File 2187

On motion of Senator Ramsey, Senate File 2187, a bill for an act relating to costs incurred for a mobile home space when a tenant abandons the mobile home, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Baugher offered amendment S—5169 filed by the committee on Commerce on March 2, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5169 was adopted by a voice vote.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2187) the vote was:

Ayes, 39:

Anderson
Carr

Briles
Coleman

Brown
DeKoster

Carney
Doyle

Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Hulse	Hultman
Husak	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Nays, none.

Voting present, 2:

Baughner	Hutchins
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Absent or not voting, 9:

Bisenius	Comito	Craft	Deluhery
Gratias	Holden	Lura	Readinger
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 Lura for the day on request of Senator Hultman.

CONSIDERATION OF BILLS (Noncontroversial Calendar)

Senate File 2235

On motion of Senator Schwengels, Senate File 2235, a bill for an act to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication, was taken up for consideration.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2235) the vote was:

Ayes, 40:

Baughner	Bisenius	Briles	Brown
Carney	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Palmer
Priebe	Ramsey	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Vande Hoef	Waldstein	Wells	Yenger

Nays, 2:

Nystrom	Tieden
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Absent or not voting, 8:

Anderson	Comito	Craft	Gratias
Holden	Lura	Readinger	Van Gilst

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

Senate File 2242

On motion of Senator DeKoster, Senate File 2242, a bill for an act relating to a life insurance company's investment of funds for legal reserve purposes, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2242) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater

Small
Waldstein

Taylor
Wells

Tieden
Yenger

Vande Hoef

Nays, none.

Absent or not voting, 7:

Briles
Holden

Comito
Lura

Craft
Van Gilst

Gratias

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

Senate Resolution 109

On motion of Senator Hultman, Senate Resolution 109, a resolution recommending a study committee for the purpose of reviewing the gubernatorial appointment process, filed March 3, 1982, and found on pages 567-568 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 109, which motion prevailed by a voice vote.

Senate File 2250

On motion of Senator Hultman, Senate File 2250, a bill for an act relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code, was taken up for consideration.

Senator Hultman offered amendment S—5244 filed by him on March 12, 1982, to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—5244 was adopted by a voice vote.

Senator Hultman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2250) the vote was:

Ayes, 42:

Anderson
Brown

Baughner
Carney

Bisenius
Carr

Briles
Coleman

DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Comito	Craft	Gratias	Holden
Lura	Nystrom	Slater	Van Gilst

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

Senate File 2254

On motion of Senator Schwengels, Senate File 2254, a bill for an act authorizing the Iowa state fair board to purchase, sell, or exchange real estate subject to the approval of the executive council, and to lease, either as lessor or lessee, property and facilities under the control of the Iowa state fair board, was taken up for consideration.

Senator Palmer asked and received unanimous consent that further action on **Senate File 2254** be **deferred** and that the bill be placed on the calendar under **unfinished business**.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 525

Senator Husak withdrew the motion to reconsider Senate File 525, a bill for an act relating to the deposit and investment of public funds in insured depository financial institutions, filed by him on January 28, 1982, and found on page 237 of the Senate Journal.

Senator Bisenius withdrew the motion to reconsider Senate File 525 filed by him on January 28, 1982, and found on page 238 of the Senate Journal.

**CONSIDERATION OF BILLS
(Noncontroversial Calendar)**

Senate File 2256

On motion of Senator Doyle, Senate File 2256, a bill for an act allowing the consignment sale of used travel trailers by licensed travel trailer dealers and providing a penalty, was taken up for consideration.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2256) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Comito	Craft	Gratias	Holden
Lura	Nystrom	Palmer	Van Gilst

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

Senate File 2259

On motion of Senator Coleman, Senate File 2259, a bill for an act relating to marriage solemnization fees, was taken up for consideration.

Senator Coleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2259) the vote was:

Ayes, 32:

Bisenius	Briles	Brown	Carney
Coleman	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Kinley	Kudart
Miller, C.P.	Murray	Palmer	Priebe
Ramsey	Readinger	Rush	Schwengels
Taylor	Vande Hoef	Waldstein	Yenger

Nays, 10:

Anderson	Baughner	Carr	Gallagher
Junkins	Miller, A.V.	Rodgers	Slater
Tieden	Wells		

Absent or not voting, 8:

Comito	Craft	Gratias	Holden
Lura	Nystrom	Small	Van Gilst

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

Senate File 2260

On motion of Senator Schwengels, Senate File 2260, a bill for an act relating to coal mining, was taken up for consideration.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2260) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin

Hester	Hulse	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Comito	Craft	Gratias	Holden
Hultman	Lura	Nystrom	Van Gilst

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

Senate File 2261

On motion of Senator Wells, Senate File 2261, a bill for an act relating to the cancellation of outstanding warrants, was taken up for consideration.

Senator Wells moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2261) the vote was:

Ayes, 41:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Comito	Craft	Gratias	Holden
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Lura
Waldstein

Nystrom

Vande Hoef

Van Gilst

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

Senate File 2267

On motion of Senator Ramsey, Senate File 2267, a bill for an act to legalize and validate the proceedings of the board of directors of the Iowa western community college (merged area XIII) in the counties of Adair, Adams, Audubon, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby in connection with certain contracts to construct and to lease facilities with purchase option effective upon publication, was taken up for consideration.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2267) the vote was:

Ayes, 39:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Waldstein	Wells	Yenger	

Nays, 4:

DeKoster	Gallagher	Priebe	Vande Hoef
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Absent or not voting, 7:

Comito	Craft	Gratias	Holden
Lura	Nystrom	Van Gilst	

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

Senate File 2236

On motion of Senator Waldstein, Senate File 2236, a bill for an act relating to expenditures for assessment appeals, was taken up for consideration.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2236) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Bisenius	Comito	Craft	Gratias
Holden	Lura	Nystrom	Van Gilst

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 out of order Senate File 2247.

Senate File 2247

On motion of Senator Brown, Senate File 2247, a bill for an act to authorize the establishment of nonprofit foundations by the boards of area schools, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Brown offered amendment S—5293 filed by the committee on Education on March 18, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5293 was adopted by a voice vote.

Senator Carr asked and received unanimous consent that further action on **Senate File 2247** be deferred.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up out of order **Senate File 2233**.

Senate File 2233

On motion of Senator DeKoster, **Senate File 2233**, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation, with report of committee on Appropriations recommending amendment and passage, was taken up for consideration.

Senator Murray offered amendment S—5289 filed by the committee on Appropriations on March 17, 1982, to pages 97, 98, 128, 135 through 138, 140, 141 and 143 of the bill.

Senator Murray asked and received unanimous consent that further action on **Senate File 2233** and amendment S—5289 be deferred.

Senator Hultman asked and received unanimous consent to take up out of order **Senate File 2265**.

Senate File 2265

On motion of Senator Baugher, **Senate File 2265**, a bill for an act providing for the compensation of innocent victims of criminal acts, and providing penalties for fraudulent claims, with report of committee on Appropriations recommending amendment and passage, was taken up for consideration.

Senator Baugher offered amendment S—5291 filed by the committee on Appropriations on March 17, 1982, to page 10 and the title page of the bill and moved its adoption.

Amendment S—5291 was adopted by a voice vote.

Senator Baugher offered amendment S—5273 filed by him on March 16, 1982, to pages 1, 2, 6 and 8 of the bill and moved its adoption.

Amendment S—5273 was adopted by a voice vote.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2265) the vote was:

Ayes, 43:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Dreeszen	Gentleman	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Nays, 2:

Gallagher	Rush
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Absent or not voting, 5:

Drake	Gratias	Holden	Lura
Van Gilst			

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

Senate File 2178

On motion of Senator Nystrom, Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems, with report of committee on Appropriations recommending amendment and passage, was taken up for consideration.

Senator Murray called up the motion to reconsider the vote by which amendment S—5183 was adopted by the Senate on March 9, 1982, filed by him on March 17, 1982, found on page 793 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. 2178) the vote was:

Ayes, 18:

Bisenius	Briles	Craft	Dreeszen
Gentleman	Goodwin	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Palmer	Ramsey	Schwengels	Taylor
Vande Hoef	Waldstein		

Nays, 26:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Comito	Deluhery
Doyle	Gallagher	Hester	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Priebe	Readinger	Rodgers
Rush	Slater	Small	Tieden
Wells	Yenger		

Absent or not voting, 6:

DeKoster	Drake	Gratias	Holden
Lura	Van Gilst		

The motion lost.

With the defeat of the motion to reconsider amendment S—5183, the Chair ruled the following amendments out of order:

S—5217 filed by Senator Nystrom on March 9, 1982, to amendment S—5183.

S—5317 filed by Senator Murray from the floor to amendment S—5183.

S—5288 filed by the committee on Appropriations on March 17, 1982, to page 6 of the bill.

Senator Nystrom offered amendment S—5286 filed by him on March 17, 1982, to pages 14 and 19 of the bill and moved its adoption.

Amendment S—5286 was adopted by a voice vote.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2178) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Drake	Gratias	Holden	Lura
Van Gilst			

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 House Concurrent Resolution 123.

House Concurrent Resolution 123

On motion of Senator Junkins, House Concurrent Resolution 123, a resolution declaring March 21 through March 27, 1982, as “Iowa Nutrition Week”, filed March 11, 1982, and found on page 690 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Junkins moved the adoption of House Concurrent Resolution 123, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that the following bills and resolutions be immediately messaged to the House:

Senate Resolution 109 and House Concurrent Resolution 123; Senate Files 2178, 2187, 2235, 2236, 2242, 2250, 2256, 2259, 2260, 2261, 2265 and 2267.

REQUEST TO CONSIDER RESOLUTION

Senator Husak asked unanimous consent to take up for immediate consideration by the Senate, Senate Concurrent Resolution 105, a resolution calling for adjournment of the General Assembly on March 19, 1982, and requesting the Governor to call the General Assembly into special session on June 14, 1982, assigned to the committee on Rules and Administration on March 11, 1982.

Objection was raised by Senator Hultman.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2255

Ways and Means
 Ramsey, Chair
 Readinger
 Rodgers

SENATE FILE 2265

Appropriations
 Baugher, Chair
 Ramsey
 Deluhery

SENATE CONCURRENT RESOLUTION 107

Rules and Administration
 Hultman, Chair
 Junkins
 Holden

SENATE RESOLUTION 110

Education
 Gratias, Chair
 Brown
 Wells

HOUSE FILE 2111

Judiciary
 Ramsey, Chair
 Baugher
 Murray
 Doyle
 Coleman

HOUSE FILE 2346

Judiciary
 Ramsey, Chair
 DeKoster
 Doyle
 Murray
 Rush

SENATE FILE 2264

Transportation
 Drake, Chair
 Hutchins
 Comito

SENATE CONCURRENT RESOLUTION 105

Rules and Administration
 Hultman, Chair
 Junkins
 Holden

SENATE CONCURRENT RESOLUTION 108

Rules and Administration
 Hultman, Chair
 Junkins
 Holden

SENATE RESOLUTION 112

Rules and Administration
 Hultman, Chair
 Junkins
 Holden

HOUSE FILE 2173

State Government
 Schwengels, Chair
 Briles
 Palmer

HOUSE FILE 2357

State Government
 Nystrom, Chair
 Schwengels
 Slater

HOUSE FILE 2360

Human Resources
Drake, Chair
Coleman
Hulse

HOUSE FILE 2362

Ways and Means
Hester, Chair
Rush
Lura

HOUSE FILE 2372

Education
Anderson, Chair
Taylor
Carney

HOUSE FILE 2376

Education
Brown, Chair
Dreeszen
Jensen

HOUSE FILE 2385

Judiciary
Rush, Chair
Murray
Carr

HOUSE FILE 2390

Education
Taylor, Chair
DeKoster
Small

HOUSE FILE 2402

Transportation
Drake, Chair
Jensen
Coleman

HOUSE FILE 2407

Judiciary
Small, Chair
Rush
Kudart
Baughner
Dreeszen

HOUSE FILE 2361

Human Resources
Gratias, Chair
C. Miller
Drake

HOUSE FILE 2364

Judiciary
Murray, Chair
Taylor
Coleman

HOUSE FILE 2375

Judiciary
Ramsey, Chair
DeKoster
Rush
Doyle
Murray

HOUSE FILE 2382

Natural Resources
Goodwin, Chair
Kudart
Hutchins

HOUSE FILE 2388

Education
DeKoster, Chair
Taylor
Small

HOUSE FILE 2399

Education
Dreeszen, Chair
Wells
Gratias

HOUSE FILE 2405

Transportation
Jensen, Chair
Comito
Hutchins

HOUSE FILE 2410

Transportation
Hutchins, Chair
Bisenius
Drake

HOUSE FILE 2416

Transportation
Coleman, Chair
Comito
Jensen

HOUSE FILE 2420

Education
Carney, Chair
Gratias
Anderson

**HOUSE CONCURRENT
RESOLUTION 119**

Human Resources
Gentleman, Chair
Yenger
Slater

SSB 2255

Human Resources
Gentleman, Chair
Vande Hoef
C. Miller

HOUSE FILE 2418

Judiciary
Small, Chair
Murray
Lura

HOUSE FILE 2422

Judiciary
Doyle, Chair
Taylor
Deluhery

SSB 2252

Natural Resources
Tieden, Chair
Van Gilst
Hutchins

SSB 2256

Ways and Means
Holden, Chair
Priebe
Ramsey

COMMUNICATION

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

OFFICE FOR PLANNING AND PROGRAMMING

A copy of the third annual report of the Community Based Juvenile Victim Restitution Program administered by the State Youth Coordinator's Office of the Office for Planning and Programming. The purpose of the program is to provide a restitution alternative to all juvenile courts in Iowa that serves to help juvenile offenders reimburse the victims of their delinquency.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2291	Transportation
H.F.	2398	Natural Resources
H.F.	2424	Ways and Means

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 19, 1982.

Had I been present, I would have voted "aye" on Senate Files 2187 and 2235.

DAVID M. READINGER

COMMUNICATION FROM THE SECRETARY OF THE STATE

March 19, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

I hereby certify that House File 2336 was published in The Daily Iowan, Iowa City, Iowa, on March 18, 1982 and in The Sioux-City Journal, Sioux City, Iowa, on March 18, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 18, 1982, 12:23 p.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Kudart and A. Miller.

Members Absent: Readinger.

Other Committee Business: Discussion of homemaker services formula.

Adjourned: 1:30 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 18, 1982, 8:02 a.m.

Members Present: Carney, Vice Chair; Anderson, Ranking Member; Brown (arrived 8:08 a.m.), Goodwin, Gratius, Hultman, Kinley (arrived 8:13 a.m.) and Wells.

Members Absent: Hulse, Chair (excused).

Other Committee Business: Assigned bills to subcommittees; discussed Senate File 2273.

Adjourned: 8:30 a.m.

AMENDMENTS FILED

S—5313	H.F.	2426	Donald V. Doyle
S—5314	S. F.	2206	C.W. Bill Hutchins Dick Ramsey Berl E. Priebe
S—5315	S. F.	2276	Lucas J. DeKoster
S—5316	H.F.	777	Bob Carr
S—5317	S. F.	2178	John S. Murray
S—5318	S. F.	2247	Bob Carr

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:25 a.m., until 10:00 a.m., Monday, March 22, 1982.

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
 FORTY-EIGHTH SESSION DAY

Senate Chamber
 Des Moines, Iowa, Monday, March 22, 1982

The Senate met in regular session at 10:08 a.m., President Branstad presiding.

Prayer was offered by the Reverend Michael Kalstrup, pastor of the Fellowship of Faith Church, Oakland, Iowa.

The Journal of Friday, March 19, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R.L. Zoutendam, M.D., Sheldon, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Baugher, Nystrom and Ramsey for the day on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 1982, adopted the following concurrent resolutions in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 114

By: Committee on Energy

- 1 *Whereas*, the Natural Gas Policy Act of 1978 calls for the
- 2 gradual decontrol of natural gas prices through 1985; and
- 3 *Whereas*, the President of the United States has considered
- 4 the accelerated decontrol of natural gas prices; and
- 5 *Whereas*, Iowans spent \$668 million on natural gas in 1980
- 6 and that this expenditure could reach \$1.5 billion by 1985
- 7 even with the current natural gas decontrol schedule; and

8 *Whereas*, the Iowa Energy Policy Council has projected that
 9 the additional cost to Iowans of accelerated decontrol of
 10 natural gas prices could be \$1 billion by the end of 1986; and
 11 *Whereas*, the potential for declining economic activity, a
 12 less productive and profitable industrial and agricultural
 13 base, and the loss of a substantial number of jobs as a
 14 direct result of escalating natural gas prices by the mid-
 15 1980's is real; and
 16 *Whereas*, uncontrolled decontrol of natural gas prices
 17 could result in inflationary increases in the consumer prices
 18 for food, clothing, housing, medical care and other house-
 19 hold necessities and in the agricultural prices for fertilizers,
 20 pesticides and herbicides; and
 21 *Whereas*, Governor Robert Ray and the Iowa Energy Policy
 22 Council are on record in favor of maintaining the present
 23 gradual decontrol policy as opposed to the proposed
 24 accelerated decontrol policy; *Now Therefore*,
 25 *Be It Resolved by the House of Representatives, the*
 26 *Senate Concurring*, That this General Assembly opposes the
 27 accelerated decontrol of natural gas prices being considered
 28 by the President of the United States; and
 29 *Be It Further Resolved*, That copies of this resolution
 30 be transmitted to the members of Iowa's Congressional

Page 2

1 delegation and to the President of the United States, the
 2 Speaker of the United States House of Representatives, and
 3 to the President of the United States Senate, with the
 4 request that they lay this resolution before their respective
 5 bodies.

This resolution was read first time and passed on file.

HOUSE CONCURRENT RESOLUTION 116

By: Clements, Hanson of Delaware, Johnson of Howard, Mann,
 Lageschulte, Doderer, Trucano, Lonergan, Mullins, Renken,
 Maulsby, Johnson of Linn, Krewson, Branstad, Chiodo, Dieleman,
 Tyrrell, Fey, Halvorson of Clayton, Woods, Stueland, Rapp,
 Jochum, O'Kane, Sturgeon, Carpenter, Ritsema, Holt, Groth,
 Running, McKean, Anderson of Audubon, Petrick, Spear, Davitt,
 Cook, Gross, Renaud, Byerly, Howell, Arnould, Connors,
 Poffenberger, Walter, Clark of Cerro Gordo, Pelton, Knapp,
 Bruner, Poncy, Lloyd-Jones, Pavich, Harbor, Crabb, Connolly,
 Welsh, Binneboese, Carl, Smith, Baxter, Gettings, Jay,
 Halvorson of Webster, Sullivan, Hansen of O'Brien, Welden,
 Anderson of Jasper and Cochran

1 *Whereas*, the federal government has burdened the
2 people of this country with a staggering national
3 public debt of approximately \$1,000,000,000,000; and
4 *Whereas*, the interest on the national public debt
5 is one of the largest items in the federal budget; and
6 *Whereas*, the current projected federal deficit is
7 the largest deficit in the history of our country; and
8 *Whereas*, the economic recovery of our state and
9 nation depend upon controlling deficit spending; and
10 *Whereas*, the elimination of deficit spending was a
11 major campaign theme of President Reagan; and
12 *Whereas*, the Reagan administration, in order to
13 curb excess spending, has reduced funding of many
14 domestic programs; and
15 *Whereas*, the defense budget has not been cut but
16 has been increased; and
17 *Whereas*, the defense budget can be reduced while
18 still maintaining national security, by reducing
19 program, overruns and excessive spending and by
20 eliminating many bureaucratic positions; and
21 *Whereas*, the Reagan administration promised the
22 American people quality government at reduced cost;
23 and
24 *Whereas*, we need not ignore fiscal responsibility
25 in our quest for a strong defense; *Now Therefore*,
26 *Be It Resolved by the House of Representatives, the*
27 *Senate Concurring*, That the General Assembly respectfully
28 requests that the President and the Congress of the
29 United States make meaningful cuts in the defense
30 budget, focusing on eliminating unnecessary bureaucratic

Page 2

1 positions and reducing program overruns and excessive
2 spending, while maintaining a strong national defense;
3 and
4 *Be It Further Resolved*, That the appropriate
5 agencies adopt tough disciplinary measures against
6 bureaucrats, project heads, individuals and companies
7 responsible for program overruns; and
8 *Be It Further Resolved*, That the appropriate
9 agencies restrict spending by upper military personnel
10 and corresponding bureaucrats to a more appropriate
11 level; and
12 *Be It Further Resolved*, That copies of this resolu-
13 tion be sent to the President of the United States,
14 the Iowa congressional delegation, the Secretary of
15 Defense, and the Director of the Office of Management
16 and Budget.

This resolution was read first time and passed on file.

HOUSE CONCURRENT RESOLUTION 129

By: Committee on Judiciary and Law Enforcement

1 *Whereas*, the divorce rate in Iowa has steadily
2 risen from 1.6 per 1,000 population in 1960 to
3 4.1 per 1,000 population in 1980; and
4 *Whereas*, of the 11,854 divorces decreed in Iowa
5 in 1980, 7,210, or 60.8 percent, involved one or
6 more children under the age of 18; and
7 *Whereas*, it is the determination of the Iowa
8 general assembly that divorce does not mean the
9 termination of parental rights and responsibilities;
10 and
11 *Whereas*, it is also the conviction of the
12 general assembly that children have the right to
13 care by both parents unless deemed harmful to
14 the child by the courts; and
15 *Whereas*, the patterns of child care and custody
16 are rapidly changing in modern society; and
17 *Whereas*, the development of wise public policy
18 to guide the courts in decisions relating to child
19 custody requires adequate information on the types
20 of custody arrangements being made and the amount
21 of support payments being ordered; *Now Therefore*,
22 *Be It Resolved by the House of Representatives*,
23 *the Senate Concurring*, That the division of records
24 and statistics of the department of health collect
25 information relating to child custody and child
26 support for a period of three years.

This resolution was read first time and passed on file.

ALSO: That the House has on March 18, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2154, a bill for an act to legalize a conveyance of a parcel of abandoned road by the Guthrie county board of supervisors.

This bill was read first time and passed on file.

House File 2441, a bill for an act requiring the department of social services to study and recommend a proposal relating to elderly independent group homes.

This bill was read first time and passed on file.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 111

By: Readinger, Baugher, Gentleman,
Kinley and Palmer

1 *Whereas*, the Des Moines Zoo Foundation was incorporated
2 in July, 1981, to establish a quality zoo for the state
3 of Iowa; and

4 *Whereas*, the Foundation has undertaken research and
5 approved a Phase I Master Plan which will meet the
6 immediate needs of the zoo and includes a new adminis-
7 trative building, and winter quarters for the animals; and

8 *Whereas*, a Planning Committee has been appointed
9 which will continue research and work on the final master
10 plan and which will receive cooperation and input from
11 the Foundation who will act in an advisory, consulting,
12 and fund-raising capacity; and

13 *Whereas*, the Foundation has already received 200,000
14 dollars in pledges and in-kind contributions during the
15 last five months of 1981, and has mobilized citizens
16 and organized a statewide 2.5 million dollar fund drive
17 to finance the zoo; and

18 *Whereas*, the goals of this fund drive are to provide
19 Iowa with a quality accredited zoo which will give
20 Iowans, as well as out-of-state visitors a unique
21 recreational and educational experience and the oppor-
22 tunity to gain an understanding and appreciation of
23 the world of animals; and

24 *Whereas*, the Governor of Iowa, on March 2, 1982
25 participated in the ceremonies to inaugurate this new
26 zoo; *Now Therefore*,

27 *Be It Resolved by the Senate, the House Concurring*, That
28 this General Assembly supports the continued revitaliza-
29 tion and improvement of the zoo, and designates it as the
30 official zoo of the State of Iowa.

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

INTRODUCTION OF BILLS

Senate File 2293, by Committee on Ways and Means, a bill for an act relating to the apportionment of business income for corporate income tax purposes.

Read first time and **placed on Ways and Means Calendar.**

Senate File 2294, by Committee on Judiciary, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property.

Read first time and placed on calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Slater for the day on request of Senator Junkins.

UNFINISHED BUSINESS
(Deferred March 17, 1982)

Senate File 2193

The Senate resumed consideration of Senate File 2193, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund, deferred on March 17, 1982.

Senator Priebe moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2193) the vote was:

Ayes, 43:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 7:

Baughner	Comito	Craft	Lura
Nystrom	Ramsey	Slater	

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

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

UNFINISHED BUSINESS (Deferred March 18, 1982)

Senate File 2230

The Senate resumed consideration of Senate File 2230, a bill for an act relating to the limitation on garnishment, deferred on March 18, 1982.

Senator Junkins asked and received unanimous consent that further action on **Senate File 2230** be **deferred**.

UNFINISHED BUSINESS (Deferred March 19, 1982)

Senate File 2247

The Senate resumed consideration of Senate File 2247, a bill for an act to authorize the establishment of nonprofit foundations by the boards of area schools, deferred on March 19, 1982.

Senator Carr offered amendment S—5318 filed by him on March 19, 1982, to page 1 of the bill, moved its adoption and requested a non record roll call.

A record roll call was requested.

On the question "Shall amendment S—5318 be adopted?" (S.F. 2247) the vote was:

Ayes, 14:

Bisenius	Brown	Carr	Comito
DeKoster	Deluhery	Gallagher	Gentleman
Kinley	Miller, C.P.	Small	Tieden
Wells	Yenger		

Nays, 30:

Anderson	Briles	Carney	Coleman
Doyle	Drake	Dreeszen	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Murray
Palmer	Priebe	Readinger	Rodgers
Rush	Schwengels	Taylor	Vande Hoef
Van Gilst	Waldstein		

Absent or not voting, 6:

Baughar	Craft	Holden	Nystrom
Ramsey	Slater		

Amendment S—5318 lost.

Senator Gratias moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2247) the vote was:

Ayes, 41:

Anderson	Briles	Brown	Carney
Coleman	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Palmer
Priebe	Readinger	Rodgers	Rush
Schwengels	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 3:

Bisenius	Carr	Comito
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Absent or not voting, 6:

Baughner
Ramsey

Craft
Slater

Holden

Nystrom

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

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

President Branstad took the chair at 4:05 p.m.

The vote revealed 40 present, 10 absent and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2401, a bill for an act regulating the activities of loan brokers and providing penalties.

This bill was read first time and **passed on file**.

House File 2442, a bill for an act relating to custody of children upon dissolution of marriage.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 22, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 84, a bill for an act relating to pensions under firemen's and policemen's pension funds.

This bill was read first time and **passed on file**.

UNFINISHED BUSINESS
(Deferred March 15, 1982)

Senate File 2218

The Senate resumed consideration of Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, and amendment S—5227, as amended, by Senators Waldstein, et al., deferred March 15, 1982.

Senator Junkins asked unanimous consent that Senate File 2218 be deferred.

Senator Junkins withdrew his request.

Senator Waldstein offered amendment S—5325 filed by Senators Waldstein, et al., from the floor to strike everything after the enacting clause of the bill.

Senator Junkins asked and received unanimous consent that action on amendment S—5325 and **Senate File 2218** be **deferred** until Tuesday morning, March 23, 1982.

UNFINISHED BUSINESS
(Deferred March 4, 1982)

House File 2334

The Senate resumed consideration of House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway

shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication, amendment S—5180 and amendment S—5200 to amendment S—5180, deferred on March 4, 1982.

Senator Dreeszen moved the adoption of amendment S—5200 to amendment S—5180, which motion prevailed by a voice vote.

Senator Drake moved the adoption of amendment S—5180, as amended, to strike everything after the enacting clause of the bill, which motion prevailed by a voice vote.

With the adoption of amendment S—5180, as amended, the chair ruled amendment S—5189 filed by Senator Dreeszen on March 4, 1982, to page 1 and the title page of the bill, out of order.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2334) the vote was:

Ayes, 37:

Anderson	Bisenius	Briles	Brown
Carney	Coleman	Comito	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Priebe	Readinger
Rodgers	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 9:

Carr	DeKoster	Gentleman	Holden
Kinley	Kudart	Palmer	Rush
Small			

Absent or not voting, 4:

Baughner	Craft	Ramsey	Slater
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2334 passed the Senate on March 22, 1982.

PATRICK J. DELUHERY

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2178, the following technical correction was made to amendment S—5183:

1. Page 3, line 2, the words "following July 1 *and January 1*" were changed to "following July 1 *or January 1*".

K. MARIE THAYER
Secretary of the Senate

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration placed on the following Governor's appointments on the **En Bloc Confirmation Calendar** on March 22, 1982, and recommended the appointments be confirmed by the Senate:

Board of Examiners for Nursing Home Administrators—Donald D. Abdouch
Board of Examiners for Nursing Home Administrators—Marian Malloy
Board of Landscape Architectural Examiners—Thomas R. Dunbar
Board of Landscape Architectural Examiners—Jack E. Leaman
Board of Chiropractic Examiners—Ronald O. Masters
Board of Chiropractic Examiners—Donald J. Meylor
Board of Optometry Examiners—Larry D. DeCook
Board of Optometry Examiners—David E. Scott
Board of Examiners for Hearing Aid Dealers—Mildred F. Coughlon
Board of Architectural Examiners—George E. Deininger
Board of Podiatry Examiners—Edward N. Wiltgen
Board of Engineering Examiners—Dan E. Branson

CALVIN O. HULTMAN, Chair

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 22nd day of March, 1982:

Senate Files 487, 2175 and 2183.

K. MARIE THAYER
Secretary of the Senate

**SUPPLEMENTAL
REPORT OF THE COMMITTEE ON MILEAGE**

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

NAME	ROUND TRIP MILES
Hutchins, C.W. Bill	120 to 170 miles (Effective 3-21-82)
Van Gilst, Bass	140 to 24 miles (Effective 3-14-82)
	LUCAS, J. DeKOSTER, Chair RICHARD F. DRAKE BERL E. PRIEBE ARTHUR A. SMALL, JR.

**REPORT OF INVESTIGATING COMMITTEE
(Place Nominee on En Bloc Confirmation Calendar)**

Pursuant to Senate Rule 58, the Committee on State Government assigned to investigate the character and qualifications of Nolden Gentry, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Commission for the Blind under the provisions of Section 601B.1, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

**COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chair**

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 19, 1982.

Had I been present, I would have voted "aye" on Senate Files, 2236, 2250, 2256, 2259, 2260, 2261 and 2267.

JOHN N. NYSTROM

MR. PRESIDENT: I was necessarily absent from the Senate chamber Monday, March 22, 1982.

Had I been present, I would have voted "aye" on Senate Files 2193 and 2247.

JOHN N. NYSTROM

FURTHER
REPORTS OF COMMITTEE MEETINGS

JUDICIARY*

*A previous report of this meeting was recorded on page 696 of the Senate Journal.

Final Bill Action: SENATE FILE 2294 (SSB 2245), a bill for an act to legalize the proceedings of the board of supervisors of Lee County relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Kudart, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, 1: DeKoster, Absent or not voting, 2: Rush and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

WAYS AND MEANS*

*A previous report of this meeting was recorded on page 824 of the Senate Journal.

Final Bill Action: SENATE FILE 2293 (SSB 2038), a bill for an act relating to the apportionment of business income for corporate income tax purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Readinger, Rodgers, Hester, Husak, Junkins, Priebe, Ramsey and Taylor. Nays, 1: Lura. Absent or not voting, 5: Holden, Hultman, Palmer, Rush and Van Gilst.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 22, 1982, 3:15 p.m.

Members Present: Holden, Chair; Deluhery, Ranking Member; DeKoster, Husak, Jensen and Priebe.

Members Absent: Baugher, Vice Chair; Comito, Rush and Craft (excused).

Final Bill Action: HOUSE FILE 2380, a bill for an act relating to insolvent insurers.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Holden, Deluhery, DeKoster, Husak, Jensen and Priebe. Nays, none. Absent or not voting, 4: Baugher, Comito, Craft and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned House File 2059 to subcommittee; discussed proposed Senate concurrent resolution setting up study committee to reorganize regulated financial institutions.

Adjourned: 3:30 p.m.

EDUCATION

Convened: March 22, 1982, 1:30 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells.

Members Absent: Small.

Final Bill Action: HOUSE FILE 2372, a bill for an act relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2376, a bill for an act relating to the boundary lines of merged areas and area education agencies and providing that the Act takes effect upon its publication.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2388, a bill for an act repealing the provision that area education agencies must obtain approval from the state board of public instruction before purchase or lease of equipment or facilities for media production or reproduction, and the requirement that area education agencies must contract with the state educational radio or television facility board for television production, television transmission, or closed circuit television transmission.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 1: Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees; discussed Senate Resolution 110; received reports from subcommittees on gubernatorial appointments.

Adjourned: 2:10 p.m.

HUMAN RESOURCES

Convened: March 22, 1982, 3:07 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member, Carr, Drake (arrived 3:09 p.m.), Gratias, Hulse, A. Miller and Vande Hoef.

Members Absent: Coleman, Nystrom and Slater (excused).

Final Bill Action: HOUSE FILE 2361, a bill for an act relating to the access of a spouse to the medical records of a mental health patient.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gentleman, Yenger, C. Miller, Carr, Drake, Gratias, Hulse, A. Miller and Vande Hoef. Nays, none. Absent or not voting, 3: Coleman, Nystrom and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed House File 2360.

Adjourned: 3:15 p.m.

STATE GOVERNMENT

Convened: March 22, 1982, 1:35 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Briles, Carr, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: Slater and Craft (both excused).

Final Bill Action: HOUSE FILE 792, a bill for an act relating to the administration of the Iowa national guard facilities, and appropriating income from national guard property.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Lura, Briles, Carr, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 2: Slater and Craft.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2173, a bill for an act relating to the projects for which industrial revenue bonds may be issued under chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Lura, Briles, Carr, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 2: Slater and Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Nystrom, Lura, Briles, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, 1: Carr. Absent or not voting, 2: Slater and Craft.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2397, a bill for an act relating to the time of expiration of the commission of a notary public and to the notice required to be given by the secretary of state and allowing the secretary of state to appoint as a notary public a resident of a border state working in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Lura, Briles, Carr, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 2: Craft and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved subcommittee report and recommended Governor's appointee, Nolden Gentry, be confirmed by the Senate.

Adjourned: 1:55 p.m.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2411	Education
H.F.	2426	Human Resources
H.F.	2431	State Government
H.F.	2432	Education
H.F.	2435	Natural Resources

PROOFS OF PUBLICATION

Published copy of Senate File 2294 and verified proof of publication of said bill in The Daily Gate City, a newspaper published in Keokuk, Iowa, on March 17, 1982, 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 2154 and verified proof of publication of said bill in The Guthrie Center Times, a newspaper published in Guthrie Center, Iowa, on January 13, 1982, 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 following visitors were present in the Senate gallery:

Thirty-nine students from the Quad City Baptist Academy, Rock Island, Illinois, accompanied by Dan Adamwich. Senator Taylor.

PETITIONS

The following petitions were presented and placed on file by:

Senator Craft from one hundred fifty-five residents of Chickasaw, Henry and Polk Counties favoring legislation for the protection of Iowa prairie lands.

AMENDMENTS FILED

S-5319	S. F.	2276	Richard Comito
S-5320	S. F.	2263	Bob Carr
S-5321	S. F.	2286	Arthur A. Small, Jr.
S-5323	H.F.	777	Bob Carr Ted Anderson C.W. Bill Hutchins Charles P. Miller James V. Gallagher William D. Palmer
S-5324	S. F.	2284	John S. Murray
S-5325	S. F.	2218	Arne Waldstein Dale L. Tieden Forrest V. Schwengels Arthur L. Gratias Norman J. Goodwin Elvie L. Dreeszen Norman Rodgers C.W. Bill Hutchins Jack W. Hester Richard Vande Hoef C. Joseph Coleman
S-5326	S. F.	2218	James V. Gallagher
S-5327	H.F.	777	Ted Anderson Bob Carr James V. Gallagher
S-5329	S. F.	2237	Joe Brown
S-5330	S. F.	2275	Joe Brown Ted Anderson
S-5331	H.F.	2411	Ted Anderson

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:20 p.m., until 9:00 a.m., Tuesday, March 23, 1982.

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
 FORTY-NINTH SESSION DAY

Senate Chamber,
 Des Moines, Iowa, Tuesday, March 23, 1982

The Senate met in regular session at 9:08 a.m., President Branstad presiding.

Prayer was offered by the Reverend John J. Hembry, pastor of the Vincent United Methodist Church, Vincent, Iowa.

The Journal of Monday, March 22, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Wettach, M.D., Mount Pleasant, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Anderson for the morning session on request of Senator Junkins.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 19, 1982, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 118

By: Committee on Human Resources

- 1 *Whereas*, the state recognizes the primary nature
- 2 of the family as a unit and its responsibility for
- 3 the physical and emotional care of its members; and
- 4 *Whereas*, the state recognizes and respects the
- 5 diversity of contexts within which families may exist;
- 6 and
- 7 *Whereas*, the policies of state government shall be
- 8 directed at enhancing the integrity and stability of
- 9 the family; and

10 *Whereas*, the policy of the state shall be directed
11 at providing support in those areas where the family
12 is having difficulty. When the family finds it
13 difficult to perform some of its responsibilities
14 the state's policy shall be to encourage the family to
15 perform as many of its supportive functions as
16 possible. Families themselves shall be included in
17 determining the solutions to the problems affecting
18 them; and

19 *Whereas*, the rights of individuals to mental,
20 emotional and physical well-being shall be safe-
21 guarded; and

22 *Whereas*, it shall be the policy of the state to
23 enable and encourage neighborhood, church and local
24 community-based resources wherever possible to
25 provide a variety of supports to the family;
26 and

27 *Whereas*, the actions of government in Iowa should
28 be directed at strengthening families; and

29 *Whereas*, the 1980 Legislative Policy on the Family
30 Subcommittee adopted ten criteria to be used by the

Page 2

1 House and Senate Committees on Human Resources when
2 examining legislation affecting families; *Now*
3 *Therefore*,
4 *Be It Resolved by the House of Representatives, the*
5 *Senate Concurring*, That legislators, legislative com-
6 mittees and subcommittees, and private citizens' groups
7 are urged to use said criteria to evaluate the impact
8 of proposed legislation on Iowa families with primary
9 consideration of the stability and well-being of Iowa
10 families.

This resolution was read first time and passed on file.

ALSO: That the House has on March 19, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2437, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

This bill was read first time and passed on file.

House File 2438, a bill for an act establishing procedures for making annual cost-of-living adjustments in those child support judgments that provide for annual cost-of-living adjustment, including judgments entered prior to the effective date of this Act.

This bill was read first time and passed on file.

ALSO: That the House has on March 19, 1982, passed (with amendment H—5418 to page 2 adopted) the following bill in which the concurrence of the Senate is asked:

House File 2448, a bill for an act relating to the procedures for suspension or cancellation of a grain dealer or grain warehouse license.

This bill was read first time and passed on file.

ALSO: That the House has on March 19, 1982, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 808, a bill for an act relating to the registration of and licensing for the operation of motor vehicles, with a December 1, 1983 effective date.

UNFINISHED BUSINESS (Deferred March 16, 1982)

Senate File 2276

The Senate resume consideration of Senate File 2276, a bill for an act relating to the regulation of financial institutions, deferred on March 16, 1982.

Senator Hultman invoked Rule 23, requiring all Senators present to vote except those who express a conflict of interest, on Senate File 2276 and all amendments thereto.

Senator DeKoster offered amendment S—5315 filed by him on March 19, 1982, to pages 4, 7, 26 and 44 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5315 be adopted?" (S.F. 2276) the vote was:

Ayes, 10:

Bisenius	Briles	Carney	Coleman
Craft	DeKoster	Kudart	Lura
Vande Hoef	Van Gilst		

Nays, 37:

Baugher	Brown	Carr	Comito
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Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Waldstein	Wells
Yenger			

Voting present, 1:

Hultman

Absent or not voting, 2:

Anderson Ramsey

Amendment S—5315 lost.

Senator Slater offered amendment S—5337 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5337 was adopted by a voice vote.

Senator Priebe offered amendment S—5338 filed by him from the floor to page 2 of the bill.

Senator Priebe asked and received unanimous consent that action on amendment S—5338 be deferred.

Senator Comito offered amendment S—5319 filed by him on March 22, 1982, to pages 4 and 5 of the bill.

Senator Holden asked unanimous consent that action on amendment S—5319 be deferred.

Senator Comito asked unanimous consent that further action on Senate File 2276 be deferred.

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

The Senate resumed session, President Branstad presiding.

Action on **Senate File 2276** and amendments S—5338 and S—5319 was deferred until Wednesday, March 24, 1982.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

UNFINISHED BUSINESS

(Deferred March 22, 1982)

Senate File 2218

The Senate resumed consideration of Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, amendment S—5227 as amended and deferred on March 15, 1982, and amendment S—5325, deferred on March 22, 1982.

Senator Gallagher offered amendment S—5326 filed by him on March 22, 1982, to pages 6 and 7 of amendment S—5325.

Senator Tieden called for a division of amendment S—5326: lines 3 through 5 as division S—5326A and lines 6 and 7 as division S—5326B.

Senator Gallagher asked and received unanimous consent that action on division S—5326A to amendment S—5325 be deferred.

Senator Gallagher moved the adoption of division S—5326B to amendment S—5325.

A non record roll call was requested.

The ayes were 22, nays 23.

Division S—5326B lost.

Senator Schwengels offered amendment S—5346 filed by him from the floor to pages 5 and 6 of amendment S—5325.

Senator Small called for a division of amendment S—5346: lines 3 through 5 as division S—5346A and lines 6 through 15 as division S—5346B.

Senator Waldstein called for a further division of amendment S—5346: lines 3 through 5 as division S—5346A; lines 6 through 11 as division S—5346B; lines 12 through 15 as division S—5346C.

Senator Schwengels withdrew division S—5346A to amendment S—5325.

Senator Schwengels moved the adoption of division S—5346B to amendment S—5325, which motion prevailed by a voice vote.

(Senate File 2218 and divisions S—5346C and S—5326A to amendment S—5325 pending on recess.)

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 112

By: Baugher and Junkins

1 *Whereas*, the number of individuals committed to
2 correctional programs, both at state institutions
3 and in the community, continues to increase; and
4 *Whereas*, the problems experienced at the state
5 correctional institutions, including problems associ-
6 ated with overcrowded conditions, continue to be
7 critical; and
8 *Whereas*, the economic condition of the state has
9 necessitated the setting of priorities and the reduction
10 of funding for many programs; and
11 *Whereas*, many critical social programs administered
12 by the department of social services affect the
13 priority given to correctional programs; *Now*
14 *Therefore*,
15 *Be It Resolved by the Senate, the House Concurring*,
16 That the legislative council is requested to establish
17 a special interim study committee to study the estab-
18 lishment of a separate department of corrections,
19 consisting of five members of the senate to be
20 appointed by the president of the senate and the
21 majority and minority leaders of the senate and five
22 members of the house of representatives to be
23 appointed by the speaker of the house of representa-
24 tives and the majority and minority leaders of the
25 house of representatives.

Read first time and referred to the committee on **Rules and Administration**.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date.

This bill was read first time and **passed on file**.

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:08 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gratias for the afternoon session on request of Senator Hultman.

BUSINESS PENDING

Senate File 2218

The Senate resumed consideration of Senate File 2218, amendment S—5325, as amended, and divisions S—5346C and S—5326A to amendment S—5325, pending on recess.

Senator Schwengels moved the adoption of division S—5346C to amendment S—5325, which motion prevailed by a voice vote.

Senator Priebe offered amendment S—5352 filed by him from the floor to pages 2 and 5 of amendment S—5325, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5352 to amendment S—5325 be adopted?" (S.F. 2218) the vote was:

Ayes, 18:

Anderson	Baugher	Brown	Coleman
Deluhery	Doyle	Hulse	Husak
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Small	Van Gilst		

Nays, 30:

Bisenius	Briles	Carney	Carr
Comito	Craft	DeKoster	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Holden	Hultman	Lura
Murray	Nystrom	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Absent or not voting, 2:

Gratias	Jensen
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Amendment S—5352 lost.

Senator Junkins raised the point of order that Senate File 2218 should be referred to the committee on Appropriations under Senate Rule 37.

Senator Junkins withdrew his point of order.

Senator Taylor offered amendment S—5347 filed by him from the floor to page 5 of amendment S—5325 and moved its adoption.

Amendment S—5347 was adopted by a voice vote.

Senator Gallagher offered amendment S—5351 filed by Senators Gallagher, Dreeszen and Miller of Cerro Gordo from the floor to page 6 of amendment S—5325 and moved its adoption.

Amendment S—5351 was adopted by a voice vote.

With the adoption of amendment S—5351 to amendment S—5325, the Chair ruled division S—5326A by Senator Gallagher, previously deferred, to amendment S—5325, out of order.

Senator Carney took the chair at 5:08 p.m.

Senator Taylor offered amendment S—5358 filed by him from the floor to page 11 of amendment S—5325, moved its adoption and requested a record roll call.

On the question “Shall amendment S—5358 to amendment S—5325 be adopted?” (S.F. 2218) the vote was:

Ayes, 14:

Baughner	Bisenius	Craft	DeKoster
Gentleman	Hulse	Husak	Jensen
Kudart	Lura	Priebe	Ramsey
Taylor	Vande Hoef		

Nays, 33:

Anderson	Brown	Carney	Carr
Coleman	Comito	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Hester	Hultman	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Tieden	Van Gilst	Waldstein	Wells
Yenger			

Absent or not voting, 3:

Briles	Gratias	Holden
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Amendment S—5358 lost.

Senator Priebe asked and received unanimous consent that action on amendment S—5325, as amended, be deferred for a fiscal note.

(Senate File 2218 and amendments S—5325 and S—5227, as amended, pending on adjournment.)

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 23rd day of March, 1982:

Senate Files 499, 579, 2101, 2155 and 2167.

K. MARIE THAYER
Secretary of the Senate

COMMUNICATION

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

U. S. GENERAL ACCOUNTING OFFICE

A draft summary of data gathered from Iowa on the transition process and early implementation of the block grants, presented by the Regional manager of the United States General Accounting Office.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2334 passed the Senate on March 22, 1982.

BERL E. PRIEBE

COMMUNICATION FROM THE SECRETARY OF STATE

March 22, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

I hereby certify that Senate File 2080 was published in the Osceola Sentinel, Osceola, Iowa, on March 11, 1982, and in The Rolfe Arrow, Rolfe, Iowa, on March 18, 1982.

Respectfully submitted,
MARY JANE ODELL
 Secretary of State

EXPLANATION OF VOTE

MR. PRESIDENT: I mistakenly pushed my "aye" button when voting on amendment S-5315 to Senate File 2276. It was my intention to vote "nay".

MICK LURA

STUDY BILL RECEIVED

S.S.B. 2259 Ways and Means

Relating to income tax effective dates by providing that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, and to make the income tax checkoff for the state fish and game protection fund retroactive to January 1, 1982 for tax years beginning on or after that date, effective upon publication.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	111	Rules and Administration
H.F.	84	State Government
H.F.	2154	Judiciary
H.F.	2218	State Government
H.F.	2401	Commerce
H.F.	2441	Human Resources
H.F.	2442	Judiciary
H.C.R.	114	Energy
H.C.R.	116	Rules and Administration
H.C.R.	129	Judiciary

REPORTS OF INVESTIGATING COMMITTEES
(Place Nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Transportation assigned to investigate the character and qualifications of Francis Kenkel, Defiance, Shelby County, Iowa, for appointment as a member of the Iowa Railway Finance Authority under the provisions of Section 307B.6, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1988, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chair

Pursuant to Senate Rule 58, the Committee on Transportation assigned to investigate the character and qualifications of Robert R. Rigler, New Hampton, Chickasaw County, Iowa, for reappointment as a member of the State Transportation Commission under the provisions of Section 307.3, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chair

REPORTS OF COMMITTEE MEETINGS

TRANSPORTATION

Convened: March 23, 1983, 1:30 p.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Bisenius, Comito, Doyle, Hutchins, A. Miller, Murray and Nystrom.

Members Absent: none.

Final Bill Action: SENATE FILE 2264, a bill for an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Drake, Jensen, Bisenius, Coleman, Comito, Doyle, Hutchins, A. Miller, Murray and Nystrom. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2291, a bill for an act to make the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Drake, Jensen, Bisenius, Coleman, Comito, Doyle, Hutchins, A. Miller, Murray and Nystrom. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2410, a bill for an act to exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Drake, Jensen, Bisenius, Coleman, Comito, Doyle, Hutchins, A. Miller, Murray and Nystrom. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2416, a bill for an act to allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Drake, Jensen, Bisenius, Coleman, Comito, Doyle, Hutchins, A. Miller, Murray and Nystrom. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Recommended confirmation of Governor's appointees Robert Rigler and Francis Kenkel.

Adjourned: 2:20 p.m.

WAYS AND MEANS

Convened: March 23, 1982, 1:33 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Holden, Hester, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush and Van Gilst.

Members Absent: Hultman and Taylor.

Final Bill Action: SENATE FILE 250, 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, imposing taxes and fees and providing for their use and disbursement, declaring certain acts to be unlawful, and prescribing penalties for the commission of those acts.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Readinger, Rodgers, Junkins, Lura, Palmer, Priebe, Ramsey and Rush. Nays, 5: Craft, Hester, Holden, Husak and Van Gilst. Absent or not voting, 2: Hultman and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 2:40 p.m.

PRESENTATION OF VISITORS

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

Students from the Senior government class of Clay Central School, Royal, Iowa, accompanied by Luther Heller. Senator Waldstein.

Twenty-three students from Monticello High School, Monticello, Iowa, accompanied by Keith Stamp. Senator Bisenius.

AMENDMENTS FILED

S-5332	S. F.	2276	Mick Lura Tom Slater
S-5333	S. F.	2276	Tom Slater Mick Lura
S-5334	S. F.	2233	Joe Brown
S-5335	S. F.	2276	Edgar H. Holden
S-5336	S. F.	2276	Bob Rush
S-5337	S. F.	2276	Tom Slater
S-5338	S. F.	2276	Berl E. Priebe Arne Waldstein
S-5340	S. F.	2276	Edgar H. Holden

S—5341	S. F.	2276	Arne Waldstein Elvie L. Dreeszen Emil J. Husak Berl E. Priebe Norman Rodgers Sue Yenger
S—5342	S. F.	2276	Arthur A. Small, Jr.
S—5343	S. F.	2276	Patrick J. Deluhery
S—5344	S. F.	2276	Edgar H. Holden
S—5345	S. F.	2276	Lucas J. DeKoster
S—5346	S. F.	2218	Forrest V. Schwengels
S—5347	S. F.	2218	Ray Taylor
S—5348	S. F.	2276	Bob Rush
S—5349	S. F.	2286	Forrest V. Schwengels Arne Waldstein
S—5350	H.F.	2437	John S. Murray
S—5351	S. F.	2218	James V. Gallagher Elvie L. Dreeszen Alvin V. Miller
S—5352	S. F.	2218	Berl E. Priebe
S—5353	S. F.	2273	Clarence S. Carney Ted Anderson Richard F. Drake
S—5354	S. F.	2233	John W. Jensen
S—5355	S. F.	2276	Patrick J. Deluhery
S—5356	S. F.	2276	Patrick J. Deluhery
S—5357	S. F.	2280	Bob Carr
S—5358	S. F.	2218	Ray Taylor
S—5359	S. F.	2276	Patrick J. Deluhery
S—5360	S. F.	2276	Patrick J. Deluhery

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:35 p.m., until 10:00 a.m., Wednesday, March 24, 1982.

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 24, 1982

The Senate met in regular session at 10:15 a.m., President Branstad presiding.

Prayer was offered by the Reverend Wes Snodgrass, pastor of the First United Presbyterian Church, Muscatine, Iowa.

The Journal of Tuesday, March 23, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hubiak, M.D., Odebolt, Iowa.

UNFINISHED BUSINESS (Pending March 23, 1982)

Senate File 2218

The Senate resumed consideration of Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, amendment S—5227, as amended and deferred on March 15, 1982, and amendment S—5325, as amended and deferred on March 23, 1982.

Senator Waldstein moved the adoption of amendment S—5325, as amended, to strike everything after the enacting clause of the bill.

A non record roll call was requested.

The ayes were 29, nays 19.

Amendment S—5325, as amended, was adopted.

With the adoption of amendment S—5325, as amended, the Chair ruled the following amendments out of order:

S—5185 filed by Senator Gallagher on March 3, 1982, to page 6 of the bill.

S—5227, as amended, by Senators Waldstein, et al., to strike everything after the enacting clause and to the title page of the bill, deferred March 15, 1982.

S—5231 filed by Senators Van Gilst and Schwengels on March 11, 1982, to page 14 of the bill.

S—5232 filed by Senator Jensen on March 11, 1982, to page 3 of the bill.

S—5236 filed by Senators Ramsey, et al., on March 11, 1982, to pages 6 and 10 of the bill.

S—5237 filed by Senators Small and Readinger on March 11, 1982, to strike everything after the enacting clause of the bill.

S—5238 filed by Senators Gentleman, Readinger and Murray on March 11, 1982, to pages 4, 5, 6, 10, 13 and 17 of the bill.

S—5239 filed by Senator Small on March 11, 1982, to strike everything after the enacting clause of the bill.

S—5243 filed by Senator Gallagher on March 12, 1982, to amendment S—5236.

S—5250 filed by Senator Schwengels on March 15, 1982, to pages 15 and 17 of the bill.

S—5253 filed by Senator Lura on March 15, 1982, to page 10 of the bill.

S—5255 filed by Senator Holden on March 15, 1982, to pages 3, 4, 5, 7, 15 and 17 of the bill.

S—5256 filed by Senator Holden on March 15, 1982, to pages 7 and 16 of the bill.

S—5257 filed by Senator Lura on March 15, 1982, to page 10 of the bill.

S—5258 filed by Senator Taylor on March 15, 1982, to page 6 of the bill.

S—5260 filed by Senators Ramsey, et al., on March 15, 1982, to pages 6 and 10 of the bill.

S—5263 by Senator Gallagher on March 15, 1982, to amendment S—5260.

Senator Junkins raised the point of order that Senate File 2218 should be referred to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 2218** 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.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: March 24, 1982, 10:45 a.m.

Members Present: Murray, Chair; Tieden, Vice Chair; Anderson, Baugher, Bisenius, Deluhery, Hultman, Jensen, Junkins (arrived 10:55 a.m.), Rush, Ramsey (arrived 11:00 a.m.), Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger.

Members Absent: Palmer, Ranking Member and Carney.

Final Bill Action: Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Murray, Tieden, Anderson, Baugher, Bisenius, Deluhery, Jensen, Junkins, Rush, Ramsey, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, 1: Hultman. Absent or not voting, 2: Palmer and Carney.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 11:02 a.m.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for immediate consideration Senate File 2218

Senate File 2218

On motion of Senator Tieden, Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2218) the vote was:

Ayes, 31:

Bisenius	Carney	Carr	Coleman
Comito	DeKoster	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Husak	Hutchins
Jensen	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Rodgers
Schwengels	Slater	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Nays, 19:

Anderson	Baughner	Briles	Brown
Craft	Deluhery	Holden	Hulse
Hultman	Junkins	Kinley	Kudart
Lura	Palmer	Readinger	Rush
Small	Taylor	Wells	

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 2294.

Senate File 2294

On motion of Senator Small, Senate File 2294, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property, was taken up for consideration.

Senator Small moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2294) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 3:

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

Senator Hultman asked and received unanimous consent that **Senate File 2294** be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 400

Senator Rush called up for consideration Senate File 400, a bill for an act providing for the taxation of a lump sum distribution of an individual, estate or trust who has elected to have the distribution separately taxed under the Internal Revenue Code of

1954 and providing for a January 1 effective date, amended by the House, and moved that the Senate concur in House amendment S—5266 filed March 16, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 400) the vote was:

Ayes, 50:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

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 March 17, 1982)

Senate File 156

The Senate resumed consideration of Senate File 156, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences, deferred on March 17, 1982.

Senator DeKoster offered amendment S—3226 filed by the committee on Judiciary on March 19, 1981, to page 9 of the bill.

Senator Ramsey offered amendment S—5310 filed by Senators Ramsey and Hutchins on March 18, 1982, to amendment S—3226 and moved its adoption.

Amendment S—5310 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent that further action on **Senate File 156** and amendment S—3226, as amended, be **deferred**.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2413, a bill for an act relating to the expungement of records of certain misdemeanors.

This bill was read first time and **passed on file**.

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Carney presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 9, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2387, a bill for an act relating to county government by making amendments which are required for accuracy or to

reconcile the county home rule Act and other laws or to implement the legislative intent of the county home rule Act.

This bill was read first time and **passed on file.**

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

March 19, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

In accordance with the request of Barbara K. Johanningsmeier, I am asking that Ms. Johanningsmeier's name be withdrawn from consideration for Senate confirmation as a member of the Board of Dental Examiners.

Sincerely,
ROBERT D. RAY
Governor

President Branstad took the chair at 4:08 p.m.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lura for the afternoon session on request of Senator Hultman.

UNFINISHED BUSINESS
(Deferred March 23, 1982)

Senate File 2276

The Senate resumed consideration of Senate File 2276, a bill for an act relating to the regulation of financial institutions, and amendments S—5338 by Senator Priebe and S—5319 by Senator Comito, deferred on March 23, 1982.

Senator Hultman asked and received unanimous consent to take up for immediate consideration amendments S—5278 and S—5344.

Senator Priebe offered amendment S—5278 filed by Senators Priebe, et al., on March 16, 1982, to pages 4 and 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5278 be adopted?" (S.F. 2276) 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	Carr	Comito
Craft	Deluhery	Drake	Gallagher
Gratias	Hester	Hulse	Jensen
Miller, A.V.	Murray	Nystrom	Priebe
Ramsey	Schwengels	Tieden	Vande Hoef
Waldstein	Yenger		

Nays, 26:

Anderson	Baughner	Bisenius	Carney
Coleman	DeKoster	Doyle	Dreeszen
Gentleman	Goodwin	Holden	Husak
Hutchins	Junkins	Kinley	Kudart
Miller, C.P.	Palmer	Readinger	Rodgers
Rush	Slater	Small	Taylor
Van Gilst	Wells		

Voting present, 1:

Hultman

Absent or not voting, 1:

Lura

Amendment S—5278 lost.

(Senate File 2276 and amendments S—5338 and S—5319, pending on adjournment.)

APPENDIX

COMMUNICATION

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

IOWA INDUSTRIAL COMMISSIONER

A report of the Decisions on Selected Cases for the period July 1, 1980 through June 30, 1981 prepared by the Iowa Industrial Commissioner pursuant to Chapter 6, Sec. 13, 1981 Acts of the Sixty-ninth General Assembly.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 24, 1981, the Governor approved and transmitted to the Secretary of the State the following bill:

H.F. 2377—Creating the Iowa Higher Education Loan Authority, providing for the Authority to issue revenue bonds and defining its powers and duties and providing that the act takes effect upon its publication.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5315 to Senate File 2276 failed to be adopted by the Senate on March 23, 1982.

JOHN N. NYSTROM

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

- H.F. 2437 Human Resources
- H.F. 2438 Judiciary
- H.F. 2448 Agriculture
- H.F. 2463 Natural Resources
- H.C.R. 118 Human Resources

REPORTS OF INVESTIGATING COMMITTEES
(Place Nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Judiciary assigned to investigate the character and qualifications of Walter L. Saur, Oelwein, Fayette County, Iowa, for reappointment as a member of the Iowa Board of Parole under the provisions of Section 904.2, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1987, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, Chair

Pursuant to Senate Rule 58, the Committee on Judiciary assigned to investigate the character and qualifications of Morris F. Johnson, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Crime Commission under the provisions of Section 80C.6, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, Chair

Pursuant to Senate Rule 58, the Committee on Judiciary assigned to investigate the character and qualifications of Lonny T. Morrison, Webster City, Hamilton County, Iowa, for reappointment as a member of the Iowa Crime Commission under the provisions of Section 80C.6, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, Chair

Pursuant to Senate Rule 58, the Committee on Judiciary assigned to investigate the character and qualifications of Kathleen Neylan, Elkader, Clayton County, Iowa, for reappointment as a member of the Iowa Crime Commission under the provisions of Section 80C.6, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, Chair

Pursuant to Senate Rule 58, the Committee on Judiciary assigned to investigate the character and qualifications of Larry Harris, Waterloo, Black Hawk County, Iowa, for appointment as a member of the Iowa State Civil Rights Commission under the provisions of Section 601A.3, 1981 Code of Iowa, for the unexpired portion of a term beginning immediately and ending April 30, 1983, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, Chair

STUDY BILL RECEIVED**S.S.B. 2260 Social Services Appropriations Subcommittee**

Relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance.

PLACEMENTS ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Donald Meylor be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

CHARLES P. MILLER

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Ronald Masters be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

CHARLES P. MILLER

**FURTHER
REPORTS OF COMMITTEE MEETINGS****TRANSPORTATION***

*A previous report of this meeting was recorded on pages 880-881 of the Senate Journal.

Final Bill Action: HOUSE FILE 2405, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5361.

Final Vote: Ayes, 10: Drake, Jensen, Bisenius, Coleman, Doyle, Comito, Hutchins, A. Miller, Murray and Nystrom. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

WAYS AND MEANS*

*A previous report of this meeting was recorded on page 881 of the Senate Journal.

Final Bill Action: HOUSE FILE 2351, a bill for an act relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks, certain terraces and open prairies and increasing the assessed value of fruit-tree and forest reservations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5364.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Husak, Junkins, Lura, Priebe, Rush, Van Gilst, Palmer and Ramsey. Nays, 1: Holden. Absent or not voting, 2: Hultman and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: March 23, 1982, 7:55 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Taylor and Wells.

Members Absent: Lura.

Other Committee Business: Recommendations for OPP community development block grants and appellate defender; approved bill appropriating the community service block grants funds; discussed court administration.

Adjourned: 8:55 a.m.

CITIES

Convened: March 24, 1982, 3:07 p.m.

Members Present: Readinger, Chair; Comito, Vice Chair; A. Miller, Ranking Member; Carney, Holden, Kinley, Slater, Waldstein and Wells.

Members Absent: none.

Final Bill Action: HOUSE FILE 800, a bill for an act relating to city housing codes under section 364.17 by making it optional to include program of regular rental inspections as part of the city enforcement procedures.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Readinger, Comito, A. Miller, Carney, Holden, Kinley, Slater, Waldstein and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2394, a bill for an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Readinger, Comito, A. Miller, Carney, Holden, Kinley, Slater, Waldstein and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2403, a bill for an act including waterworks and related facilities within the definition of essential corporate purpose.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Readinger, Comito, A. Miller, Carney, Holden, Kinley, Slater, Waldstein and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:22 p.m.

COMMERCE

Convened: March 24, 1982, 1:30 p.m.

Members Present: Holden, Chair; Deluhery, Ranking Member; Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: Baugher, Vice Chair and Comito.

Final Bill Action: HOUSE FILE 2059, a bill for an act relating to motor fuel tests.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Holden, Deluhery, Craft, DeKoster, Husak, Jensen, Priebe and Rush. Nays, none. Absent or voting, 2: Baugher and Comito.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned House File 2401 to subcommittee.

Adjourned: 1:50 p.m.

ENERGY

Convened: March 24, 1982, 1:35 p.m.

Members Present: Ramsey, Chair; Bisenius, Vice Chair; Gallagher, Ranking Member; Anderson, Doyle, Kudart, Readinger, Rodgers and Yenger.

Members Absent: Briles.

Final Bill Action: HOUSE FILE 2373, a bill for an act relating to the continuation of the activities and functions of the energy policy council, changing the date of the submission of the council's required report, and eliminating the requirement that public recognition for innovative energy conservation methods be given to ten categories of individuals and organizations in each congressional district.

Recommendation: DO PASS.

Final Vote: Ayes, 9, Ramsey, Bisenius, Gallagher, Anderson, Doyle, Kudart, Readinger, Rodgers and Yenger. Nays, none. Absent or not voting, 1: Briles.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned House Concurrent Resolution 114 to subcommittee.

Adjourned: 1:40 p.m.

ENERGY

Convened: March 24, 1982, 1:42 p.m.

Members Present: Ramsey, Chair; Bisenius, Vice Chair; Gallagher, Ranking Member; Anderson, Doyle, Kudart, Readinger, Rodgers and Yenger.

Members Absent: Briles.

Final Bill Action: HOUSE CONCURRENT RESOLUTION 114, a resolution opposing the accelerated decontrol of natural gas prices.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Ramsey, Gallagher, Anderson, Doyle, Kudart, Readinger, Rodgers and Yenger. Nays, 1: Bisenius. Absent or not voting, 1: Briles.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:55 p.m.

JUDICIARY

Convened: March 23, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Murray (arrived at 3:30 p.m.).

Members Absent: Taylor.

Final Bill Action: HOUSE FILE 2111, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5365.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey and Small. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2340, a bill for an act to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations.

Recommendation: DO PASS.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey and Small. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2359, a bill for an act making records of court ordered support payments public records.

Recommendation: DO PASS.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey and Small. Nays, 1: Baugher. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2385, a bill for an act relating to the confidentiality of the application, affidavits and order for a nontestimonial identification.

Recommendation: DO PASS.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey and Small. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2418, a bill for an act to provide that traffic violation proceedings by the state board of regents or its institutions are not contested cases under the Iowa administrative procedure Act.

Recommendation: DO PASS.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey and Small. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Recommended confirmation of Governor's appointees.

Adjourned: 4:10 p.m.

PRESENTATION OF VISITORS

Senator Gentleman presented Jean Marc Briquet from Borg La Reine, France, exchange student attending Dowling High School in Des Moines, Iowa. Jean, who is a guest during the 1981-82 school year of Mr. & Mrs. Don Hauser of Des Moines, was accompanied by Greg Hauser, also a student at Dowling.

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

One hundred students from Park View Elementary School, Ankeny, Iowa, accompanied by Mr. Devitt. Senator Baugher.

AMENDMENTS FILED

S—5361	H.F.	2405	Transportation Committee
S—5362	S. F.	2276	Berl E. Priebe
S—5363	S. F.	2276	Mick Lura
S—5364	H.F.	2351	Ways and Means Committee
S—5365	H.F.	2111	Judiciary Committee
S—5366	S. F.	2276	Arne Waldstein
S—5367	S. F.	2276	John W. Jensen
S—5368	S. F.	2276	Richard Comito
			Richard F. Drake
			Gary L. Baugher
S—5369	S. F.	2280	Bob Carr
S—5371	S. F.	2239	Arthur L. Gratiias
S—5372	S. F.	2276	C.W. Bill Hutchins
			Emil J. Husak
			Merlin D. Hulse
			Richard F. Drake

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:00 p.m., until 9:00 a.m., Thursday, March 25, 1982.

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 25, 1982

The Senate met in regular session at 9:15 a.m., President Branstad presiding.

Prayer was offered by the Reverend Walter Phelps, pastor of the Trinity United Methodist Church, Waverly, Iowa.

The Journal of Wednesday, March 24, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, M.D., Boone, Iowa.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2393, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

This bill was read first time and **passed on file**.

UNFINISHED BUSINESS (Pending March 24, 1982)

Senate File 2276

The Senate resumed consideration of Senate File 2276, a bill for an act relating to the regulation of financial institutions and amendments S—5338 by Senator Priebe and S—5319 by Senator Comito, pending on March 24, 1982.

Senator Holden offered amendment S—5344 filed by him on March 23, 1982, to pages 2, 4, 6 and 28 of the bill.

Senator Comito withdrew amendment S—5375 filed by him from the floor to amendment S—5344.

Senator Holden moved the adoption of amendment S—5344.

A record roll call was requested.

On the question "Shall amendment S—5344 be adopted?" (S.F. 2276) the vote was:

Ayes, 26:

Bisenius	Brown	Carney	Coleman
Deluhery	Doyle	Dreeszen	Gentleman
Goodwin	Hester	Holden	Hutchins
Junkins	Kinley	Lura	Miller, C.P.
Murray	Palmer	Readinger	Rush
Small	Taylor	Vande Hoef	Van Gilst
Wells	Yenger		

Nays, 19:

Anderson	Baughner	Briles	Comito
Drake	Gallagher	Gratias	Hulse
Husak	Jensen	Kudart	Miller, A.V.
Nystrom	Priebe	Ramsey	Rodgers
Schwengels	Tieden	Waldstein	

Voting present, 1:

Hultman

Absent or not voting, 4:

Carr	Craft	DeKoster	Slater
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Amendment S—5344 was adopted.

Senator Hultman asked and received unanimous consent to take up for consideration amendment S—5372.

Senator Hutchins offered amendment S—5372 filed by Senators Hutchins, et al., on March 24, 1982, to page 43 of the bill.

Senator Hutchins offered amendment S—5374 filed by him from the floor to amendment S—5372 and moved its adoption.

Amendment S—5374 was adopted by a voice vote.

Senator Junkins asked unanimous consent that action on Senate File 2276 and amendment S—5372, as amended, be temporarily deferred.

Senator Junkins withdrew his request.

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

The Senate resumed session, President Branstad presiding.

(Senate File 2276 and amendment S—5372, as amended, pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 10:55 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 113

By: Miller of Cerro Gordo, Rodgers, Gallagher, Van Gilst,
Miller of Des Moines, Slater, Palmer, Carney, Tieden,
Husak, Vande Hoef, Hutchins, Wells, Comito, DeKoster,
Kinley, Dreeszen, Brown, Deluhery, Readinger, Carr,
Ramsey, Baugher, Coleman, Priebe, Yenger, Anderson,
Small, Doyle, Briles, Murray, Nystrom, Junkins, Rush,
Gratias and Goodwin

- 1 *Whereas*, the greatest challenge facing humanity is
- 2 to prevent the occurrence of nuclear war by accident

3 or design; and

4 *Whereas*, the nuclear arms race is dangerously increas-
5 ing the risk of a holocaust that would be humanity's
6 final war; and

7 *Whereas*, a freeze followed by reductions in nuclear
8 warheads, missiles and other nuclear delivery systems
9 is needed to halt the nuclear arms race and to reduce
10 the risk of nuclear war; *Now Therefore*,

11 *Be It Resolved by the Senate, the House Concurring*,
12 That the General Assembly petitions the President of
13 the United States and the Congress of the United States
14 to consider the following:

15 1. As an immediate strategic arms control objective,
16 the United States and the Soviet Union should:

- 17 a. Pursue a complete halt to the nuclear arms race;
18 b. Decide when and how to achieve a mutual and
19 verifiable freeze on the testing, production and deploy-
20 ment of nuclear warheads, missiles and other nuclear
21 delivery systems; and
22 c. Give special attention to those weapons whose
23 deployment would make such a freeze more difficult to
24 achieve.

25 2. Proceeding from this freeze, the United States
26 and the Soviet Union should pursue major, mutual and
27 verifiable reductions in nuclear warheads, missiles
28 and other nuclear delivery systems through annual
29 percentages or equally effective means in a manner
30 that enhances stability; and

Page 2

1 *Be It Further Resolved*, That copies of this resolu-
2 tion be transmitted to the President of the United
3 States and to each member of the Iowa congressional
4 delegation.

Read first time and passed on file.

MOTION TO RECONSIDER LOST

Senate File 2243

Senator Tieden called up the motion to reconsider Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons, filed by him on March 18, 1982, found on page 812 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2243) the vote was:

Ayes, 19:

Brown	Carr	Coleman	Comito
Deluhery	Doyle	Gallagher	Junkins
Kudart	Miller, A.V.	Miller, C.P.	Murray
Palmer	Ramsey	Rodgers	Rush
Slater	Small	Wells	

Nays, 30:

Anderson	Baughner	Bisenius	Briles
Carney	Craft	DeKoster	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Lura
Nystrom	Priebe	Readinger	Schwengels
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Absent or not voting, 1:

Kinley

The motion lost.

With the defeat of the motion to reconsider, the Chair ruled the following amendment and motion out of order:

Amendment S—5379 filed by Senators Deluhery and Gallagher from the floor to page 1 of the bill.

The motion to reconsider Senate File 2243 filed by Senator Junkins on March 18, 1982, and found on page 812 of the Senate Journal.

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

The Senate resumed session, President Branstad presiding.

BUSINESS PENDING

Senate File 2276

The Senate resumed consideration of Senate File 2276, amendments S—5372, as amended, S—5338 and S—5319, pending on recess.

Senator Deluhery moved that Senate File 2276 be referred back to the committee on Commerce.

Senator Priebe moved a substitute motion that Senate File 2276 be referred to the committee on Ways and Means.

Senator Priebe withdrew his motion.

Senator Deluhery renewed his motion to refer Senate File 2276 to the committee on Commerce.

A non record roll call was requested.

The ayes were 34, nays 14.

The motion prevailed and **Senate File 2276** was referred back to the committee on **Commerce**.

RECESS

On motion of Senator Hultman, the Senate recessed at 2:45 p.m., until 3:45 p.m.

RECONVENED

The Senate reconvened at 3:55 p.m., Senator Craft presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

UNFINISHED BUSINESS (Deferred March 19, 1982)

Senate File 2233

The Senate resumed consideration of Senate File 2233, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation, and amendment S—5289 by the committee on Appropriations to pages

97, 98, 128, 135 through 138, 140, 141 and 143 of the bill, deferred on March 19, 1982.

Senator Murray called for a division of amendment S—5289: Page 1, lines 2 through 19, lines 36 through 50 and page 2 as division S—5289A; page 1, lines 20 through 35 as division S—5289B.

Senator Brown called for a further division of amendment S—5289: Page 1, lines 6 through 19, lines 36 through 50 and page 2 as division S—5289A; page 1, lines 20 through 35 as division S—5289B; page 1, lines 2 through 5 as division S—5289C.

Senator Murray called for a further division of amendment S—5289: Page 1, lines 6 through 19, lines 41 through 50 and page 2 as division S—5289A; page 1, lines 20 through 35 as division S—5289B; page 1, lines 2 through 5 as division S—5289C; page 1, lines 36 through 40 as division S—5289D.

Senator Murray moved the adoption of division S—5289A.

A record roll call was requested.

On the question “Shall division S—5289A be adopted?” (S.F. 2233) the vote was:

Ayes, 26:

Bisenius	Briles	Carney	Carr
Comito	Craft	Drake	Gallagher
Gentleman	Goodwin	Hultman	Hutchins
Jensen	Junkins	Miller, A.V.	Miller, C.P.
Murray	Priebe	Rodgers	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Waldstein	Yenger		

Nays, 23:

Anderson	Baugh	Brown	Coleman
DeKoster	Deluhery	Doyle	Dreeszen
Gratias	Hester	Holden	Hulse
Husak	Kinley	Kudart	Lura
Nystrom	Palmer	Ramsey	Readinger
Rush	Van Gilst	Wells	

Absent or not voting, 1:

Small

Division S—5289A was adopted.

Senator Murray asked and received unanimous consent that action on divisions S—5289B, S—5289C and S—5289D be deferred.

Senator Kudart took the chair at 4:30 p.m.

Senator Craft took the chair at 4:35 p.m.

Senator Taylor offered amendment S—5224 filed by him on March 10, 1982, to pages 2, 7, 10, 11, 14, 16, 74, 103 through 106, 115, 123, 124, 131, 133, 135, 137 and 142 of the bill.

President Branstad took the chair at 4:40 p.m.

Senator Taylor called for a division of amendment S—5224: Page 1 and page 2, lines 1 through 18 and lines 24 through 37 as division S—5224A; page 2, lines 19 through 23 as division S—5224B.

Senator Taylor moved the adoption of division S—5224A and requested a record roll call.

On the question "Shall division S—5224A be adopted?" (S.F. 2233) the vote was:

Ayes, 20:

Briles	Coleman	Dreeszen	Gallagher
Husak	Hutchins	Jensen	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Priebe
Ramsey	Rodgers	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 30:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Junkins
Kinley	Kudart	Murray	Palmer
Readinger	Rush	Schwengels	Slater
Small	Yenger		

Division S—5224A lost.

Senator Taylor asked and received unanimous consent that action on division S—5224B be deferred.

Senator Jensen offered amendment S—5354 filed by him on March 23, 1982, to pages 10, 121, 122, 124, 130, 132, 135, 142 and 143 of the bill.

Senator Jensen called for a division of amendment S—5354: Pages 1 through 5 and page 6, lines 1 through 34 and 40 through 46 as division S—5354A; page 6, lines 35 through 39 as division S—5354B.

Senator Jensen moved the adoption of division S—5354A.

A record roll call was requested.

On the question "Shall division S—5354A be adopted?" (S.F. 2233) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 33:

Baughner	Bisenius	Briles	Brown
Carr	Comito	Craft	Doyle
Drake	Gallagher	Gratias	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Nays, 16:

Anderson	Carney	Coleman	DeKoster
Deluhery	Dreeszen	Gentleman	Goodwin
Hester	Holden	Kudart	Murray
Rush	Slater	Small	Wells

Absent or not voting, 1:

Van Gilst

Division S—5354A was adopted.

(Senate File 2233, divisions S—5354B, S—5224B, S—5289B, S—5289C and S—5289D, pending on adjournment.)

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, 1982:

Senate Files 397, 490, 2134 and 2180.

K. MARIE THAYER
Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2387	County Government
H.F.	2413	Judiciary

REPORTS OF INVESTIGATING COMMITTEES (Place Nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Agriculture assigned to investigate the character and qualifications of Sonja L. Larsen, Ottumwa, Wapello County, Iowa, for appointment as a member of the Iowa Family Farm Development Authority under the provisions of Section 175.3, 1981 Code of Iowa, for the unexpired portion of a term beginning March 10, 1982, and ending April 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON AGRICULTURE
RAY TAYLOR, Chair

Pursuant to Senate Rule 58, the Committee on Agriculture assigned to investigate the character and qualifications of Earl Powers, Defiance, Shelby County, Iowa, for appointment as a member of the Iowa Family Farm Development Authority under the provisions of Section 175.3, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1988, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON AGRICULTURE
RAY TAYLOR, Chair

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 24, 1982, 8:15 a.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger, Kudart and A. Miller.

Members Absent: none.

Other Committee Business: Made block grant recommendations.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: March 24, 1982, 12:15 p.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger, Kudart and A. Miller.

Members Absent: none.

Other Committee Business: Made block grant recommendations.

Adjourned: 1:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES

Convened: March 24, 1982, 8:15 a.m.

Members Present: Tieden, Chair; Priebe, Ranking Member; Gallagher, Goodwin and Hester.

Members Absent: none.

Other Committee Business: Approved final recommendations on Conservation Commission capitals and 1982-83 supplemental appropriations for the Energy Policy Council.

Adjourned: 9:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 24, 1982, 8:15 a.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft (arrived 8:28 a.m.) and Vande Hoef.

Members Absent: none.

Other Committee Business: Subcommittee approved and submitted SSB 2260, relating to Code sections which require recipients of public assistance to assign their periodic support payments to the department of social services, to the full Appropriations Committee.

Adjourned: 10:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: March 24, 1982, 8:10 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member; Lura, Taylor and Wells.

Members Absent: none.

Other Committee Business: Approved appropriation recommendations for OPP and the courts.

Adjourned: 9:55 a.m.

COUNTY GOVERNMENT

Convened: March 23, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger.

Members Absent: none.

Other Committee Business: Reassigned Senate File 2142; discussed and deferred Senate File 2098.

Adjourned: 3:40 p.m.

EDUCATION

Convened: March 25, 1982, 2:45 p.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells (arrived 3:00 p.m.).

Members Absent: none.

Final Bill Action: HOUSE FILE 2390, a bill for an act permitting merged areas to combine the positions of secretary and treasurer.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small and Taylor. Nays, none. Absent or not voting, 1: Wells.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2399, a bill for an act relating to the date of the annual organization meeting of the board of directors of an area education agency.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small and Taylor. Nays, none. Absent or not voting, 1: Wells.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2411, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5386.

Final Vote: Ayes, 10: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2432, a bill for an act to provide for approval to raise an additional enrichment amount for a school district's budget at a special election.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gratias, Carney, Brown, Anderson, DeKoster, Dreeszen, Jensen, Small, Taylor and Wells. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 3:10 p.m.

HUMAN RESOURCES

Convened: March 25, 1982, 11:00 a.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member; Coleman, Drake, Gratias, Hulse, A. Miller (arrived 11:08 a.m.), Nystrom (arrived 11:03 a.m.), Slater and Vande Hoef.

Members Absent: Carr.

Final Bill Action: HOUSE FILE 2360, a bill for an act to exempt travel trailers from the regulation of mobile home parks.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5382.

Final Vote: Ayes, 11: Gentleman, Yenger, C. Miller, Coleman, Drake, Gratias, Hulse, A. Miller, Nystrom, Slater and Vande Hoef. Nays, none. Absent or not voting, 1: Carr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 11:09 a.m.

JUDICIARY

Convened: March 24, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Murray, Small, Taylor and Ramsey (arrived 3:30 p.m.).

Members Absent: Lura (excused).

Final Bill Action: HOUSE FILE 2339, a bill for an act to prohibit bail following conviction of a forcible felony.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5378.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Murray, Small and Taylor. Nays, none. Absent or not voting, 2: Lura and Ramsey.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2407, a bill for an act related to the uniform limited partnership act.

Recommendation: DO PASS.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Murray, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 1; Lura.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2422, a bill for an act to legalize the proceedings of the Oskaloosa community school district relating to a sale of land.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Murray, Ramsey and Taylor. Nays, 2: DeKoster and Small. Absent or not voting, 1: Lura.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 4:10 p.m.

LABOR AND INDUSTRIAL RELATIONS

Convened: March 25, 1982, 8:20 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias, Hultman and Wells.

Members Absent: Kinley (excused).

Final Bill Action: HOUSE FILE 2355, a bill for an act to exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Hulse, Carney, Goodwin, Gratias and Hultman. Nays, 3: Anderson, Brown and Wells. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:40 a.m.

NATURAL RESOURCES

Convened: March 25, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden and Rodgers.

Members Absent: Gallagher and Hutchins.

Final Bill Action: HOUSE FILE 2378, a bill for an act relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden and Rodgers. Nays, none. Absent or not voting, 2: Gallagher and Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2379, a bill for an act to provide for the interest and earnings of the state fish and game protection fund.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden and Rodgers. Nays, none. Absent or not voting, 2: Gallagher and Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2398, a bill for an act relating to a penalty for taking certain game and fish in violation of law.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5383.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden and Rodgers. Nays, none. Absent or not voting, 2: Gallagher and Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:20 a.m.

STATE GOVERNMENT

Convened: March 25, 1982, 2:50 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair (arrived 3:00 p.m.); Slater, Ranking Member (arrived 3:15 p.m.); Briles, Carr, Craft, Drake, Gallagher, Gentleman (arrived 3:20 p.m.), Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: none.

Final Bill Action: HOUSE FILE 84, a bill for an act relating to pensions under firemen's and policemen's pension funds.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Nystrom, Lura, Briles, Carr, Craft, Drake, Gallagher, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 2: Slater and Gentleman.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2431, a bill for an act revising deadlines for drawing election precincts, wards, and supervisor districts and requiring maps of supervisor districts to be filed with the state commissioner of elections.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Briles, Carr, Craft, Drake, Gallagher, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 3: Lura, Slater and Gentleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:35 p.m.

WAYS AND MEANS

Convened: March 25, 1982, 11:00 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: none.

Final Bill Action: HOUSE FILE 861, a bill for an act to authorize a person who is confined in a hospital or nursing care facility to qualify for claiming the extraordinary property tax credit or reimbursement on the person's homestead, with a January 1 effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5381.

Final Vote: Ayes, 13: Craft, Readinger, Hester, Holden, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, 1: Rodgers. Absent or not voting, 1: Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2395, a bill for an act providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state.

Recommendation: DO PASS.

Final Vote: Ayes, 14; Craft, Readinger, Rodgers, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, none. Absent or not voting, 1: Hester.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2396, a bill for an act relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Craft, Readinger, Hester, Holden, Hultman, Husak, Junkins, Lura, Priebe, Taylor and Van Gilst. Nays, 4: Rodgers, Palmer, Ramsey and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Amended and approved SSB 2259.

Adjourned: 11:43 a.m.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5278 to Senate File 2276 failed to be adopted by the Senate on March 24, 1982.

NORMAN RODGERS

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5344 to Senate File 2276 was adopted by the Senate on March 25, 1982.

MICK LURA

MR. PRESIDENT: I move to reconsider the vote by which division S—5289A to Senate File 2233 was adopted by the Senate on March 25, 1982.

BERL E. PRIEBE

AMENDMENTS FILED

S—5373	H.F.	2334	C.W. Bill Hutchins
S—5374	S. F.	2276	C.W. Bill Hutchins
S—5375	S. F.	2276	Richard Comito
S—5376	S. F.	2276	Berl E. Priebe
S—5377	S. F.	2276	Mick Lura
S—5378	H.F.	2339	Judiciary Committee
S—5379	S. F.	2243	Patrick J. Deluhery
			James V. Gallagher
S—5380	S. F.	2276	C.W. Bill Hutchins
			Emil J. Husak
			Richard F. Drake
			Merlin D. Hulse
S—5381	H.F.	861	Ways and Means Committee
S—5382	H.F.	2360	Human Resources
			Committee
S—5383	H.F.	2398	Natural Resources
			Committee
S—5384	H.F.	2373	Edgar H. Holden
S—5385	S. F.	2233	Forrest V. Schwengels
S—5386	H.F.	2411	Education Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:30 p.m., until 9:00 a.m., Friday, March 26, 1982.

JOURNAL OF THE SENATE

SEVENTY-FIFTH CALENDAR DAY FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 26, 1982

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by Father Paul Steimel, pastor of the Immaculate Conception Church, Charles City, Iowa.

The Journal of Thursday, March 25, 1982, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 24, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 2250, a bill for an act relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code or the Acts.

Senate File 2252, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state.

ALSO: That the House has on March 24, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2434, a bill for an act to increase the jurisdictional amount of small claims court to two thousand five hundred dollars.

House File 2446, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging.

House File 2453, a bill for an act relating to the dollar limitation on the administration of certain small estates.

House File 2454, a bill for an act relating to the refund of fees when a mobile home park license is denied, revoked, or suspended.

House File 2466, a bill for an act relating to the jurisdiction of county conservation employees who are peace officers.

House Files 2434-2466 were read first time and **passed on file**.

ALSO: That the House has on March 24, 1982, passed (with amendment H—5484 to page 1 adopted) the following bill in which the concurrence of the Senate is asked:

House File 2461, a bill for an act relating to group insurance coverage for county extension office assistants.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 24, 1982, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 130
By: Committee on Agriculture

- 1 *Whereas*, there are over 13,000 farmers in the state of
 2 Iowa milking approximately 378,000 cows which, at an average
 3 of almost 11,000 pounds of milk per cow per year, produce
 4 a total annual milk volume of 4.1 billion pounds of fluid
 5 milk and;
 6 *Whereas*, there are in Iowa over 71 dairy processing plants,
 7 including fluid milk plants, cheese plants, butter plants,
 8 ice cream plants, and various other dairy processing plants
 9 which employ over 2,600 people in processing the more than
 10 4.1 billion pounds of milk produced annually in this state
 11 into fluid milk and a wide assortment of healthful milk
 12 products; and
 13 *Whereas*, these processing employees generate more than
 14 \$4.8 million annually in state sales and income tax revenues;
 15 and
 16 *Whereas*, Iowa's dairy farmers receive more than half a
 17 billion dollars annually in cash receipts for fluid milk,
 18 which cash receipts have a substantial impact on this state's
 19 economy; and
 20 *Whereas*, Iowa, producing enough milk to meet the dairy
 21 needs of approximately 7.5 million people, is a substantial
 22 exporter of milk and milk products, having a substantial
 23 beneficial effect on Iowa's balance of payments; and
 24 *Whereas*, dairy foods have excellent nutritional value,
 25 contributing 22% of our protein, 75% of our calcium, 39% of
 26 our riboflavin, 35% of our phosphorous, 22% of our magnesium,
 27 and almost all of our vitamin D requirements, while

28 constituting only 11% of our total caloric intake; and
29 *Whereas*, among the states, Iowa ranks eighth in total milk
30 production, fourth in cheese production, fourth in nonfat

Page 2

1 dry milk production, fourth in dry whey production, and third
2 in buttermilk production; *Now Therefore*,
3 *Be It Resolved by the House of Representatives, the Senate*
4 *Concurring*, That milk be designated and known as the official
5 state beverage of Iowa in conjunction with June as National
6 Dairy Month; and
7 *Be It Further Resolved*, That the Governor is requested
8 to include in his Dairy Month Proclamation the fact that milk
9 is now the official state beverage of Iowa for the month of
10 June each year.

This resolution was read first time and passed on file.

MOTION TO RECONSIDER WITHDRAWN

House File 833

Senator Brown withdrew the motion to reconsider House File 833, a bill for an act changing the beginning and ending dates of the Vietnam Conflict for purposes of the military service property tax exemption, filed by him on March 4, 1982, and found on page 585 of the Senate Journal.

Amendment S—5209 to House File 833 filed by Senators Brown and Rodgers on March 8, 1982, to strike everything after the enacting clause, was out of order.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred March 18, 1982)

Senate File 2273

The Senate resumed consideration of Senate File 2273, a bill for an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits, deferred on March 18, 1982.

Senator Hultman asked and received unanimous consent that Ralph Hoksbergen from Job Service of Iowa be permitted in the Senate chamber during debate of Senate File 2273.

Senator Carney offered amendment S—5353 filed by Senators Carney, Anderson and Drake on March 23, 1982, to strike everything after the enacting clause of the bill.

Senator Kinley offered amendment S—5389 filed by him from the floor to page 1 of amendment S—5353 and called for a division: Page 1, lines 32 through 50 and page 2 as division S—5389A; page 1, lines 5 through 15 as division S—5389B; page 1, lines 16 through 31 as division S—5389C.

Senator Kinley moved the adoption of division S—5389A to amendment S—5353.

A record roll call was requested.

On the question "Shall division S—5389A to amendment S—5353 be adopted?" (S.F. 2273) the vote was:

Ayes, 12:

Brown	Coleman	Comito	DeKoster
Gentleman	Kinley	Miller, A.V.	Palmer
Priebe	Rush	Small	Tieden

Nays, 38:

Anderson	Baugher	Bisenius	Briles
Carney	Carr	Craft	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins

Jensen	Junkins	Kudart	Lura
Miller, C.P.	Murray	Nystrom	Ramsey
Readinger	Rodgers	Schwengels	Slater
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Division S—5389A lost.

Senator DeKoster raised the point of order that division S—5389B was not germane to the bill.

Senator DeKoster withdrew his point of order.

Senator Kinley moved the adoption of division S—5389B to amendment S—5353.

A record roll call was requested.

On the question “Shall division S—5389B to amendment S—5353 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, 8:

Bisenius	Gentleman	Hester	Kinley
Small	Taylor	Tieden	Waldstein

Nays, 40:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Vande Hoef	Van Gilst	Wells	Yenger

Absent or not voting, 2:

Comito	Miller, C.P.
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Division S—5389B lost.

Senator Kinley moved the adoption of division S—5389C to amendment S—5353.

A record roll call was requested.

On the question "Shall division S—5389C to amendment S—5353 be adopted?" (S.F. 2273) the vote was:

Ayes, 13:

Bisenius	Gentleman	Hester	Jensen
Kinley	Kudart	Priebe	Ramsey
Rodgers	Taylor	Tieden	Vande Hoef
Waldstein			

Nays, 36:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Holden	Hulse	Hultman
Hutchins	Junkins	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Readinger	Rush	Schwengels	Slater
Small	Van Gilst	Wells	Yenger

Absent or not voting, 1:

Husak

Division S—5389C lost.

Senator Priebe offered amendment S—5393 filed by him from the floor to page 1 of amendment S—5353.

Senator Priebe asked unanimous consent that action on amendment S—5393 be deferred.

Senator Priebe withdrew his request.

Senator Priebe moved the adoption of amendment S—5393 to amendment S—5353 and requested a record roll call.

On the question "Shall amendment S—5393 be adopted?" (S.F. 2273) the vote was:

Ayes, 8:

Coleman	Gentleman	Husak	Jensen
Kinley	Miller, A.V.	Priebe	Schwengels

Nays, 42:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Junkins	Kudart
Lura	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Rush	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Amendment S—5393 lost.

Senator Priebe withdrew amendment S—5390 filed by him from the floor to page 1 of amendment S—5353.

Senator Priebe offered amendment S—5394 filed by him from the floor to page 1 of amendment S—5353 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5394 to amendment S—5353 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, 5:

Husak	Kinley	Lura	Miller, A.V.
Priebe			

Nays, 43:

Anderson	Baugher	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Absent or not voting, 2:

Briles Van Gilst

Amendment S—5394 lost.

Senator Carney moved the adoption of amendment S—5353, which motion prevailed by a voice vote.

With the adoption of amendment S—5353, the Chair ruled the following amendments out of order:

S—5280 filed by Senators Jensen and Hester on March 17, 1982, to page 1 of the bill.

S—5292 filed by Senator Gratias on March 18, 1982, to page 1 of the bill.

S—5296 filed by Senator DeKoster on March 18, 1982, to page 1 of the bill.

S—5311 filed by Senator Taylor on March 18, 1982, to page 2 of the bill.

S—5312 filed by Senator Taylor on March 18, 1982, to page 1 of the bill.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2273) the vote was:

Ayes, 41:

Anderson	Baughner	Bisenius	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Taylor	Vande Hoef	Waldstein	Wells
Yenger			

Nays, 5:

Brown	Gentleman	Kinley	Rush
Small			

Absent or not voting, 4:

Briles	Hester	Tieden	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent that **Senate File 2273** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 9, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2386, a bill for an act relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 17, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2430, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 25, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2425, a bill for an act relating to the use of municipal sewage sludge as fertilizer.

This bill was read first time **passed on file.**

House File 2457, a bill for an act relating to the disposition of fines and forfeited bail for violations of county ordinances.

This bill was read first time and **passed on file**.

House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code.

This bill was read first time and **passed on file**.

House File 2462, a bill for an act relating to the notification of persons upon release of inmates.

This bill was read first time and **passed on file**.

House File 2464, a bill for an act relating to the Iowa small business loan program.

This bill was read first time and **passed on file**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 114

By: Craft

1 *Whereas*, on February 26, 1982, President Reagan
2 signed a Congressional joint resolution which estab-
3 lished 1982 as National Year of Disabled Persons;
4 and

5 *Whereas*, it is the goal of this state to assure equal
6 opportunities for services and participation in the
7 government of this state for all citizens; and

8 *Whereas*, many disabled persons are denied full
9 participation in the activities and services within
10 their communities because of environmental and
11 architectural barriers in buildings and facilities;

12 *Now Therefore,*

13 *Be It Resolved by the Senate, the House Concurring,*
14 That it is the policy of this state that the state
15 and its political subdivisions and their respective
16 agencies shall conduct their public business and meet-
17 ings in buildings and facilities which are accessible
18 and barrier-free so that persons with disabilities
19 have an equal opportunity to participate.

Read first time and passed on file.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2291

Transportation
Hutchins, Chair
Drake
Jensen

**SENATE CONCURRENT
RESOLUTION 111**

Rules and Administration
Hulse, Chair
Junkins
Ramsey

HOUSE FILE 84

State Government
Nystrom, Chair
Schwengels
Slater

HOUSE FILE 2218

State Government
Drake, Chair
Lura
Gallagher

HOUSE FILE 2379

Natural Resources
Kudart, Chair
Gentleman
Hutchins

HOUSE FILE 2395

Ways and Means
Taylor, Chair
Holden
Priebe

HOUSE FILE 2397

State Government
Nystrom, Chair
Schwengels
Slater

**SENATE CONCURRENT
RESOLUTION 110**

Rules and Administration
Hultman, Chair
Hulse
Junkins

**SENATE CONCURRENT
RESOLUTION 112**

Rules and Administration
Hultman, Chair
Junkins
Holden

HOUSE FILE 2154

Judiciary
Ramsey, Chair
Carr
Dreeszen

HOUSE FILE 2378

Natural Resources
Schwengels, Chair
Van Gilst
Tieden

HOUSE FILE 2394

Cities
Waldstein, Chair
Carney
Wells

HOUSE FILE 2396

Ways and Means
Holden, Chair
Rodgers
Taylor

HOUSE FILE 2398

Natural Resources
Tieden, Chair
Goodwin
Rodgers

HOUSE FILE 2401

Commerce
DeKoster, Chair
Jensen
Rush

HOUSE FILE 2411

Education
Anderson, Chair
Taylor
Carney

HOUSE FILE 2426

Human Resources
Gentleman, Chair
Vande Hoef
C. Miller

HOUSE FILE 2432

Education
Gratias, Chair
Brown
Jensen

HOUSE FILE 2441

Human Resources
Vande Hoef, Chair
Nystrom
Gentleman

**HOUSE CONCURRENT
RESOLUTION 114**

Energy
Readinger, Chair
Yenger
Gallagher

**HOUSE CONCURRENT
RESOLUTION 129**

Judiciary
Murray, Chair
Coleman
Lura

HOUSE FILE 2403

Cities
Slater, Chair
Carney
A. Miller

HOUSE FILE 2424

Ways and Means
Taylor, Chair
Palmer
Ramsey

HOUSE FILE 2431

State Government
Schwengels, Chair
Lura
Slater

HOUSE FILE 2435

Natural Resources
Gentleman, Chair
Kudart
Hutchins

HOUSE FILE 2442

Judiciary
Small, Chair
Murray
Baughner

**HOUSE CONCURRENT
RESOLUTION 116**

Rules and Administration
Hultman, Chair
Junkins
Holden

SSB 2259

Ways and Means
Craft, Chair
Junkins
Hultman

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 25, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 487—Allowing the operation of golf carts on the streets of cities.

S.F. 2175—Revising the Iowa Code of Military Justice including providing penalties.

S.F. 2183—Relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

H.F. 469—Relating to the audit and certification of claims for the personal property tax credit.

H.F. 505—To remove the requirement that assessors itemize individual names and legal descriptions in their annual reports of exempt property to the Department of Revenue.

H.F. 772—Establishing a hunter safety and ethics education program.

H.F. 2003—To legalize the sale of certain property in Rolfe, Pocahontas County, Iowa.

H.F. 2027—To provide for a special turkey hunting license for landowners and tenants of farm units and their family members.

H.F. 2067—To change the procedures relating to failure to renew a license issued by the Board of Accountancy.

H.F. 2147—Changing the date for the organizational meeting of the board of directors of a merged area.

H.F. 2348—To permit the Board of Podiatry Examiners to issue a temporary certificate to practice podiatry.

COMMUNICATION

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

OFFICE FOR PLANNING AND PROGRAMMING

A copy of the annual report for the Fiscal Year 1981 prepared by the Office for Planning and Programming, pursuant to Sec. 7A.3(18), Code 1981.

PROOF OF PUBLICATION

Published copy of House File 2422 and verified proof of publication of said bill in the Oskaloosa Daily Herald, a newspaper published in Oskaloosa, Iowa, on February 26, 1982, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	113	Rules and Administration
H.F.	2393	Ways and Means

PRESENTATION OF VISITORS

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

Twenty-two students from Estherville High School, Estherville, Iowa, accompanied by Carol Johnson. Senator Vande Hoef.

AMENDMENTS FILED

S-5387	S. F.	2252	House Amendment
S-5388	H.F.	2334	C.W. Bill Hutchins
S-5389	S. F.	2273	George R. Kinley
S-5390	S. F.	2273	Berl E. Priebe
S-5392	H.F.	2059	John W. Jensen
S-5393	S. F.	2273	Berl E. Priebe
S-5394	S. F.	2273	Berl E. Priebe
S-5395	H.F.	2351	Emil J. Husak Ray Taylor Rolf V. Craft
S-5396	H.F.	2398	Forrest V. Schwengels

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 12:20 p.m., until 11:00 a.m., Monday, March 29, 1982.

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 29, 1982

The Senate met in regular session at 11:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend John W. Gilmore, pastor of Our Savior United Presbyterian Church, Le Claire, Iowa.

The Journal of Friday, March 26, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dennis Murphy, D.O., Sheldon, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 2223, a bill for an act relating to the designation of attorneys employed to assist a fiduciary of an estate.

ALSO: That the House has on March 16, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 18, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2220, a bill for an act relating to criminal responsibility for the commission of a public offense while mentally ill.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 24, 1982, passed the following bill in which the concurrence of the Senate is asked.

House File 2469, a bill for an act relating to the requirements of the state department of transportation and county officials with regard to secondary and farm-to-market highways.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 25, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2455, a bill for an act relating to corporate and partnership farming, including a designation of corporations exempt from the limitations on increases in agricultural holdings, and the contents of reports relating to agricultural property.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 29, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2427, a bill for an act to legalize the action of the board of supervisors of Dubuque county reprecincting Cascade and Whitewater townships effective upon publication.

This bill was read first time and **passed on file**.

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 10, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Wayne W. Gieselman, Morning Sun, Louisa County, Iowa, for appointment as a member of the Iowa Natural Resources Council pursuant to Section 455A.4, 1981 Code of Iowa, for an unexpired term ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

ALSO:

March 22, 1982

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Stephen W. Ballou, Ph.D., LaGrange Park, Illinois, for appointment as Executive Director of the Department of Environmental Quality pursuant to Section 455B.2, 1981 Code of Iowa, for a term effective April 19, 1982, to continue at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

Communications were read and referred to the committee on **Rules and Administration.**

UNFINISHED BUSINESS (Pending March 25, 1982)

Senate File 2233

The Senate resumed consideration of Senate File 2233, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation, and divisions S—5224B, S—5289B, S—5289C, S—5289D and S—5354B, pending on March 25, 1982.

Senator Brown offered amendment S—5334 filed by him on March 23, 1982, to page 97 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5334 be adopted?" (S.F. 2233) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 13:

Anderson	Baughner	Brown	Husak
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Ramsey	Rodgers	Tieden	Wells
Yenger			

Nays, 32:

Bisenius	Briles	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Doyle	Dreeszen	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Murray	Nystrom
Readinger	Rush	Schwengels	Slater
Small	Taylor	Vande Hoef	Van Gilst

Absent or not voting, 5:

Craft	Drake	Gallagher	Hester
Waldstein			

Amendment S—5334 lost.

Senator De Koster offered amendment S—5211 filed by him on March 9, 1982, to page 98 of the bill and moved its adoption.

Amendment S—5211 was adopted by a voice vote.

The Senate resumed consideration of divisions S—5289C and S—5289D by the committee on Appropriations to pages 97, 98, 128, 135-138, 140, 141 and 143 of the bill, deferred on March 25, 1982.

Senator Murray moved the adoption of division S—5289C, which motion prevailed by a voice vote.

Senator Murray offered amendment S—5397 filed by him from the floor to division S—5289D and moved its adoption.

Amendment S—5397 was adopted by a voice vote.

Senator Murray moved the adoption of division S—5289D as amended, which motion prevailed by a voice vote.

Senator Taylor withdrew division S—5224B to pages 2, 7, 10, 11, 14, 16, 74, 103-106, 115, 123, 124, 131, 133, 135, 137 and 142, deferred on March 25, 1982.

Senator Jensen withdrew division S—5354B to pages 10, 121, 122, 124, 130, 132, 135, 142 and 143 of the bill, offered and pending on March 25, 1982.

Senator DeKoster offered amendment S—5207 filed by him on March 8, 1982, to page 121 of the bill and moved its adoption.

Amendment S—5207 was adopted by a voice vote.

(Senate File 2233 and division S—5289B pending on adjournment.)

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2433, a bill for an act requiring food service establishments that serve imported meat or meat products to list the type of meat in the products, and providing penalties.

This bill was read first time and **passed on file**.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 26, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 499—Relating to the election or appointment of the board of trustees of benefited fire districts.

S.F. 579—Authorizing the issuance of industrial revenue bonds under Chapter 419 for certain portable equipment used for pollution control.

S.F. 2101—Amending the schedule of controlled substances.

S.F. 2155—Relating to the requirements for certification as an ophthalmic dispenser.

S.F. 2167—To update references to the federal water pollution control act in Chapter 455B.

H.F. 759—Relating to the number of years city records are required to be kept.

H.F. 2224—Relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency.

H.F. 2249—Relating to the cancellation of motor vehicle fuel tax licenses.

H.F. 2345—Relating to the transfer of certain moneys and assets to parents or other persons having custody of minors.

H.F. 2349—Relating to the definition of adjusted gross estate.

H.F. 2358—Relating to the regulation of insurance to the extent of amending or repealing provisions in Code Sections 515.34, 515.35, 515B.5, 521A.2 and 521A.3 to provide for the regulation of the investments of insurance companies other than life, to modify the maximum liability of the Iowa Insurance Guaranty Association, and to remove certain provisions regulating insurance holding companies.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to **standing committees** for investigation on March 29, 1982:

Iowa Natural Resources Council—Wayne W. Gieselman—Natural Resources Committee

Executive Director of the Department of Environmental Quality—Stephen W. Ballou—Natural Resources Committee

CALVIN O. HULTMAN, Chair

PROOF OF PUBLICATION

Published copy of House File 2427 and verified proof of publication of said bill in The Cascade Pioneer-Advertiser, a newspaper published in Cascade, Iowa, on March 11, 1982, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

SUBCOMMITTEE ASSIGNMENTS FOR GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 58, the following Senators were appointed to subcommittees of standing committees:

NATURAL RESOURCES: As the Executive Director of Department of Environmental Quality:

STEPHEN W. BALLOU
Kudart, Chair
Gentleman
Hutchins

NATURAL RESOURCES: As a member of the Iowa Natural Resources Council:

WAYNE W. GIESELMAN
Kudart, Chair
Gentleman
Hutchins

REPORT OF THE 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. 2264
S.F. 2291
H.F. 828
H.F. 764

- H.F. 2250
- H.F. 744
- H.F. 2357
- H.F. 800
- H.F. 2394
- H.F. 2403
- H.F. 2355
- H.F. 2398

CALVIN O. HULTMAN, Chair

**FURTHER
REPORT OF COMMITTEE MEETING**

STATE GOVERNMENT*

*A previous report of this meeting was recorded on page 918 of the Senate Journal.

Final Bill Action: HOUSE FILE 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

Recommendation: AMEND AS PROVIDED IN AMENDMENT S—5391 AND THE BILL WITHOUT RECOMMENDATION.

Final Vote: Ayes, 14: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 26, 1982, 8:00 a.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: none.

Other Committee Business: Discussed Senate File 2276.

Adjourned: 9:00 a.m.

HUMAN RESOURCES

Convened: March 29, 1982, 3:06 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member, Carr, Coleman, Gratias, Hulse, A. Miller, Slater and Vande Hoef.

Members Absent: Drake and Nystrom.

Final Bill Action: HOUSE FILE 2426, a bill for an act relating to the procedures for involuntary commitment or treatment of substance abusers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gentleman, Yenger, C. Miller, Carr, Coleman, Gratias, Hulse, A. Miller, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: Drake and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2437, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5404.

Final Vote: Ayes, 10: Gentleman, Yenger, C. Miller, Carr, Coleman, Gratias, Hulse, A. Miller, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: Drake and Nystrom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:38 p.m.

COMMUNICATION FROM THE SECRETARY OF STATE

March 29, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

I hereby certify that House File 2171 was published in the Charles City Press, Charles City, Iowa, on March 11, 1982, and in The Record Herald and Indianola Tribune, Indianola, Iowa, on March 25, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	114	Human Resources
H.F.	2386	State Government
H.F.	2425	Agriculture
H.F.	2430	Judiciary
H.F.	2434	Judiciary
H.F.	2446	Human Resources
H.F.	2453	Judiciary
H.F.	2454	State Government
H.F.	2457	County Government
H.F.	2460	Judiciary
H.F.	2461	Commerce
H.F.	2462	Judiciary
H.F.	2464	Commerce
H.F.	2466	County Government
H.C.R.	130	Agriculture

PETITIONS

The following petitions were presented and placed on file by:

Senator Craft from three hundred twenty-two residents of Bremer, Fayette, Monona, Tama, Hardin and Lee Counties favoring legislation for the protection of Iowa prairie lands.

Senator Taylor from two hundred seventy-eight residents of Wright County favoring legislation against pornography in Iowa.

Senator Tieden from forty-three residents of Fayette and Clayton Counties favoring legislation calling for a ban on #220 Conibear traps above water.

AMENDMENTS FILED

S-5391	H.F.	2218	State Government
S-5397	S. F.	2233	John S. Murray
S-5398	S. F.	2233	Forrest V. Schwengels
S-5399	S. F.	2233	John W. Jensen
S-5400	S. F.	2233	John W. Jensen
S-5401	S. F.	2230	William D. Palmer

S—5402	S. F.	2230	William D. Palmer
S—5403	S. F.	2230	William D. Palmer
S—5404	H.F.	2437	Human Resources

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:55 a.m., until 9:00 a.m., Tuesday, March 30, 1982.

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 30, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Floyd Anderson, pastor of the Bethlehem Lutheran Church, Buffalo Center, Iowa.

The Journal of Monday, March 29, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Swieskowski, M.D., Resident at Broadlawns General Hospital, Des Moines, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2231, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

ALSO: That the House has on March 26, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 24, a bill for an act relating to plans and specifications for new health care facilities.

Senate File 536, a bill for an act relating to multidisciplinary team access to child abuse information.

Senate File 2068, a bill for an act relating to payment of expenses of boards of directors of merged areas.

Senate File 2077, a bill for an act relating to the auditing of claims by a board of directors of a merged area.

Senate File 2086, a bill for an act exempting individual farm owner accounts from examination by the Iowa real estate commission.

Senate File 2097, a bill for an act allowing the certification of floor plans for a building as required under chapter 499B by a registered land surveyor.

Senate File 2201, a bill for an act to authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

ALSO: That the House has on March 26, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2465, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the Code.

This bill was read first time and **passed on file**.

UNFINISHED BUSINESS (Pending March 29, 1982)

Senate File 2233

The Senate resumed consideration of Senate File 2233, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation, and division S—5289B, pending on March 29, 1982.

With the adoption of division S—5354A on March 25, 1982, the Chair ruled the following amendments out of order:

Division S—5289B by the committee on Appropriations to pages 97, 98, 128, 135-138, 140, 141 and 143 of the bill, deferred on March 25, 1982.

Amendment S—5223 filed by Senator DeKoster on March 10, 1982, to page 124 of the bill.

Amendment S—5385 filed by Senator Schwengels on March 25, 1982, to pages 124 and 143 of the bill.

Senator Jensen withdrew amendment S—5400 filed by him on March 29, 1982, to division S—5354B, which was withdrawn on March 29, 1982.

Senator Schwengels offered amendment S—5398 filed by him on March 29, 1982, to pages 124 and 143 of the bill and moved its adoption.

Amendment S—5398 was adopted by a voice vote.

Senator Jensen offered amendment S—5399 filed by him on March 29, 1982, to page 135 of the bill and moved its adoption.

Amendment S—5399 was adopted by a voice vote.

Senator Priebe called up the motion to reconsider the vote by which division S—5289A to pages 97, 98, 128, 135-138, 140, 141 and 143 of Senate File 2233, was adopted by the Senate on March 25, 1982, filed by him on March 25, 1982, found on page 920 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. 2233) the vote was:

Ayes, 18:

Anderson	Briles	Brown	Carr
Coleman	Deluhery	Doyle	Hutchins
Junkins	Miller, A.V.	Miller, C.P.	Priebe
Rodgers	Rush	Slater	Vande Hoef
Van Gilst	Wells		

Nays, 28:

Baughner	Bisenius	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Jensen	Kinley
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Small
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 4:

Gallagher	Hultman	Husak	Palmer
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The motion lost.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2233) the vote was:

Ayes, 40:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Craft	DeKoster
Deluhery	Doyle	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rush	Schwengels	Slater
Small	Taylor	Wells	Yenger

Nays, 9:

Briles	Coleman	Comito	Dreeszen
Rodgers	Tieden	Vande Hoef	Van Gilst
Waldstein			

Absent or not voting, 1:

Palmer

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, 1982)

Senate File 2286

The Senate resumed consideration of Senate File 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds, deferred on March 18, 1982.

Senator Schwengels asked and received unanimous consent that further action on Senate File 2286 be deferred.

UNFINISHED BUSINESS
(Deferred March 18, 1982)

Senate File 2280

The Senate resumed consideration of Senate File 2280, a bill for an act relating to restitution by public offenders, deferred on March 18, 1982.

Senator Carr offered amendment S—5369 filed by him on March 24, 1982, to pages 3 through 8 of the bill and moved its adoption.

Amendment S—5369 was adopted by a voice vote.

Senator Baugher offered amendment S—5301 filed by him on March 18, 1982, to page 4 of the bill and moved its adoption.

Amendment S—5301 was adopted by a voice vote.

Senator Carr offered amendment S—5357 filed by him on March 23, 1982, to page 8 of the bill and moved its adoption.

Amendment S—5357 was adopted by a voice vote.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2280) the vote was:

Ayes, 47:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Drake

Murray

Palmer

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 2233 and 2280** be immediately messaged to the House.

BUSINESS PENDING

Senate File 2286

The Senate resumed consideration of Senate File 2286, previously deferred.

Senator Schwengels 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—5275 to Senate File 2286 was adopted by the Senate on March 18, 1982.

The motion prevailed by a voice vote and amendment S—5275 by Senators Schwengels and Waldstein to page 1 of the bill, was taken up for reconsideration.

Senator Schwengels asked and received unanimous consent to withdraw amendment S—5275.

Senator Small offered amendment S—5321 filed by him on March 22, 1982, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 20, nays 25.

Amendment S—5321 lost.

Senator Schwengels offered amendment S—5349 filed by Senator Schwengels and Waldstein on March 23, 1982, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5349 was adopted by a voice vote.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2286) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Comito	Jensen	Murray	Palmer
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 that **Senate File 2286** be immediately messaged to the House.

BILL REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate File 2222** be referred from the Steering Calendar to the committee on **Judiciary**.

CONSIDERATION OF BILLS (Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order **Senate File 2264**.

Senate File 2264

On motion of Senator Drake, Senate File 2264, a bill for an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2264) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

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

Senate File 2291

On motion of Senator Hutchins, Senate File 2291, a bill for an act to make the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive, with report of committee recommending passage, was taken up for consideration.

Senator Hutchins moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2291) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Holden Palmer

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

House File 828

On motion of Senator Schwengels, House File 828, a bill for an act to redefine the duties of the state historical department, to provide for the appointment of an executive director and a state historical board, and to provide that the Act takes effect January 1, 1982, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schwengels offered amendment S—5076 filed by the committee on State Government on February 9, 1982, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5076 was adopted by a voice vote.

With the adoption of amendment S—5076, the Chair ruled amendment S—3480 filed by Senator Murray on April 13, 1981, to page 4 of the bill, out of order.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 828) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 1:

Palmer

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

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 29, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 397—Relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees.

S.F. 490—To allow tort claim actions against the state to be tried before a jury.

S.F. 2134—Permitting the movement of certain semitrailers or combinations of vehicles on the highways.

S.F. 2180—Relating to setoffs against state income tax refunds.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2220	Judiciary
H.F.	2363	Agriculture
H.F.	2427	Judiciary
H.F.	2433	Agriculture
H.F.	2455	Agriculture
H.F.	2469	Transportation

COMMUNICATION

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

CAPITOL PLANNING COMMISSION

A copy of the Progress Report #7 for the 20-Year Development Program of the Iowa State Capitol Complex for the period May 1, 1979 through May 1, 1981 prepared by the members of the Capitol Planning Commission.

Copies are available to members of the Senate upon request.

REPORTS OF INVESTIGATING COMMITTEES
(Place Nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Transportation assigned to investigate the character and qualifications of George F. Davison, Des Moines, Polk County, Iowa, for reappointment as a member of the Iowa Railway Finance Authority under the provisions of Section 307B.6, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1988, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chair

Pursuant to Senate Rule 58, the Committee on Transportation assigned to investigate the character and qualifications of Austin B. Turner, Corning, Adams County, Iowa, for appointment as a member of the State Transportation Commission under the provisions of Section 307.3, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1986, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chair

REPORT OF COMMITTEE MEETING

AGRICULTURE

Convened: March 30, 1982, 8:05 a.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Dreeszen, Hulse, A. Miller, Vande Hoef and Van Gilst.

Members Absent: Husak and Waldstein.

Final Bill Action: HOUSE FILE 2448, a bill for an act relating to the procedures for suspension or cancellation of a grain dealer or grain warehouse license.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Taylor, Hester, Hutchins, Dreeszen, Hulse, A. Miller, Vande Hoef and Van Gilst. Nays, none. Absent or not voting, 2: Husak and Waldstein.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 130, a resolution requesting the Governor to include in his Dairy Month Proclamation that milk is the official state beverage.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Taylor, Hester, Hutchins, Dreeszen, Hulse, A. Miller, Vande Hoef and Van Gilst. Nays, none. Absent or not voting, 2: Husak and Waldstein.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed grain storage.

Adjourned: 9:05 a.m.

AMENDMENTS FILED

S-5405	S. F.	2231	House Amendment
S-5406	H.F.	764	Arthur A. Small, Jr.
S-5407	H.F.	2355	Ted Anderson
S-5408	S. F.	2237	Richard Comito
S-5409	H.F.	2457	Clarence S. Carney Donald V. Doyle
S-5410	H.F.	2218	Charles P. Miller
S-5411	H.F.	2218	Charles P. Miller
S-5412	H.F.	800	Ted Anderson

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:00 a.m., until 9:00 a.m., Wednesday, March 31, 1982.

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 31, 1982

The Senate met in regular session at 9:08 a.m., President Branstad presiding.

Prayer was offered by the Reverend Kenneth G. Hurto, pastor of the First Unitarian Church, Des Moines, Iowa.

The Journal of Tuesday, March 30, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Reuben Widmer, M.D., Iowa City, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 24, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons.

This bill was read first time and referred to the committee on **State Government**.

ALSO: That the House has on March 26, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 26, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Senate File 260, a bill for an act to provide for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact.

Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Senate File 537, a bill for an act to abolish the requirement for a premarital syphilis examination.

ALSO: That the House has on March 29, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 535, a bill for an act relating to the chronic renal disease program within the state health department.

Senate File 2163, a bill for an act relating to the performance of unpaid community service by defendants convicted of crimes.

Senate File 2182, a bill for an act relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

Senate File 2197, a bill for an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody.

ALSO: That the House has on March 29, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 367, a bill for an act relating to money received by criminals as a result of the commission of crime.

Senate File 2046, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations.

Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 115

By: Jensen

- 1 *Whereas*, Governor Robert D. Ray has proclaimed
- 2 April, 1982, as the fourth annual "Reading Month in

3 Iowa"; and
 4 *Whereas*, Dottie Heering, of the Waverly-Shell Rock
 5 Community Schools, Iowa's reading teacher of the
 6 year, is encouraging members of the general assembly
 7 to join in the recognition of "Reading Month in
 8 Iowa" by setting aside some time on April 15, 1982,
 9 for activities involving reading; and
 10 *Whereas*, the general assembly recognizes that
 11 reading is fundamental to the complete intellectual
 12 development of each citizen; *Now Therefore*,
 13 *Be It Resolved by the Senate, the House Concurring*,
 14 That all Iowans are urged to join with the members of
 15 the general assembly in observing April, 1982, as
 16 "Reading Month in Iowa", with particular emphasis on
 17 activities on April 15, 1982.

Read first time and passed on file.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Yenger for the morning 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 764.

House File 764

On motion of Senator Carney, House File 764, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities, and taking effect upon publication, with report of committee recommending passage, was taken up for consideration.

Senator Holden offered amendment S—5088 filed by him on February 10, 1982, to page 1 of the bill.

Senator Small offered amendment S—5417 filed by him from the floor to amendment S—5088 and moved its adoption.

Amendment S—5417 was adopted by a voice vote.

With the adoption of amendment S—5417 to amendment S—5088, the Chair ruled amendment S—5406 filed by Senator Small on March 30, 1982, to amendment S—5088, out of order.

Senator Small asked and received unanimous consent that action on **House File 764** and amendment S—5088 as amended, be **deferred**.

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

The Senate resumed session, President Branstad presiding.

House File 2250

On motion of Senator Comito, House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Drake offered amendment S—5102 filed by the committee on Transportation on February 16, 1982, to page 1 of the bill.

Senator Drake asked and received unanimous consent to withdraw amendment S—5102.

Senator Comito offered amendment S—5155 filed by him on February 25, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5155 was adopted by a voice vote.

Senator Gallagher offered amendment S—5157 filed by him on February 25, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5157 was adopted by a voice vote.

Senator Brown offered amendment S—5265 filed by him on March 15, 1982, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 26, nays 19.

Amendment S—5265 was adopted.

Senator Comito moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2250) the vote was:

Ayes, 44:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Doyle	Drake
Dreezen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 1:

Jensen

Absent or not voting, 5:

Baughner	Craft	Holden	Readeringer
Yenger			

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

BUSINESS PENDING

House File 764

The Senate resumed consideration of House File 764 and amendment S—5088, as amended, previously deferred.

Senator Small offered amendment S—5423 filed by him from the floor to amendment S—5088.

(House File 764, amendment S—5088 and amendment S—5423 to amendment S—5088, pending on recess.)

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2429, a bill for an act relating to the use of chapter 663A of the Code by persons convicted of, or sentenced for, a public offense.

This bill was read first time and referred to the committee on **Judiciary**.

RECESS

On motion of Senator Hultman, the Senate recessed at 10:40 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 29, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 396, a bill for an act relating to the platting and recording of resurveyed or subdivided land and providing a penalty.

Senate File 558, a bill for an act to authorize the county treasurer to round to the nearest even whole dollar the property tax bill for each property taxpayer.

Senate File 2100, a bill for an act relating to the operation of motor carriers, truck operators and liquid transport carriers by providing minimum liability limits for transporting hazardous materials.

INTRODUCTION OF BILLS

Senate File 2295, by Committee on Ways and Means, 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 races and racing meets, imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties for the commission of the acts.

Read first time and referred to the committee on **State Government** under Senate Rule 37.

Senate File 2296, by Committee on Ways and Means, a bill for an act relating to income tax effective dates by providing that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, and to make the income tax checkoff for the state fish and game protection fund retroactive to January 1, 1982 for tax years beginning on or after that date, effective upon publication.

Read first time and placed on **Ways and Means Calendar**.

Senate File 2297, by Committee on Ways and Means, a bill for an act providing that an assessor shall not list a taxpayer's personal property if the assessor determines that the personal property valuation has not increased to an amount greater than the amount of the credit and the taxpayer has filed a claim for the credit.

Read first time and placed on **Ways and Means Calendar**.

APPENDIX**BILL ASSIGNED TO COMMITTEE**

President Branstad announced the assignment of the following bill to committee:

H.F. 2465 Judiciary

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2233, the following technical corrections were made to:

Amendment S—5354:

1. Page 1, lines 19 and 20, "section 20000" was changed to "section 10074".
2. Page 2, lines 42 and 43, "section 20000" was changed to "section 10074".
3. Page 4, line 29, "section 20000" was changed to "section 10074".
4. Page 4, line 36, "section 20000" was changed to "section 10074".
5. Page 4, line 49, "section 20000" was changed to "section 10074".
6. Page 5, lines 44 and 45, "section 20000" was changed to "section 10074".
7. Page 6, lines 4 and 5, "section 20000" was changed to "section 10074".
8. Page 6, lines 22 and 23, "section 20000" was changed to "section 10074".

Amendment S—5398:

1. Page 1, line 40, "11111, 22222" was changed to "10084, 10085".

K. MARIE THAYER
Secretary of the Senate

REPORT OF COMMITTEE**STATE GOVERNMENT**

Final Bill Action: HOUSE FILE 2371, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Nystrom, Lura, Slater, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF INVESTIGATING COMMITTEES
(Place Nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Education assigned to investigate the character and qualifications of Lucas J. DeKoster, Hull, Sioux County, Iowa, for appointment as a member of the State Board of Public Instruction under the provisions of Section 257.1, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1988, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON EDUCATION
ARTHUR L. GRATIAS, Chair

Pursuant to Senate Rule 58, the Committee on Education assigned to investigate the character and qualifications of John Moats, Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the State Board of Public Instruction under the provisions of Section 257.1, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1988, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON EDUCATION
ARTHUR L. GRATIAS, Chair

Pursuant to Senate Rule 58, the Committee on Education assigned to investigate the character and qualifications of Susan M. Wilson, Waterloo, Black Hawk County, Iowa, for reappointment as a member of the State Board of Public Instruction under the provisions of Section 257.1, 1981 Code of Iowa, for a term beginning May 1, 1982, and ending April 30, 1988, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON EDUCATION
ARTHUR L. GRATIAS, Chair

Pursuant to Senate Rule 58, the Committee on Natural Resources assigned to investigate the character and qualifications of Stephen W. Ballou, LaGrange Park, Illinois, for appointment as Executive Director of Environmental Quality under the provisions of Section 455B.2, 1981 Code of Iowa, for a term beginning April 19, 1982 and ending at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chair

Pursuant to Senate Rule 58, the Committee on Natural Resources assigned to investigate the character and qualifications of Wayne W. Gieselmann, Morning Sun, Louisa County, Iowa, for appointment as a member of the Iowa Natural Resources Council under the provisions of Section 455A.4, 1981 Code of Iowa, for the unexpired portion of a term ending April 30, 1985, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chair

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 29, 1982, 9:00 a.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: none.

Other Committee Business: Discussed proposals for financial institutions; presentations were given by interested groups.

Recessed: 11:00 a.m. until 3:00 p.m.

Reconvened: 3:00 p.m.

Members Present: All committee members present.

Other Committee Business: Continued discussion on proposals for financial institutions.

Recessed: 5:00 p.m. until 8:00 a.m., March 30.

Reconvened: March 30, 1982, 8:00 a.m.

Members Present: All committee members present.

Other Committee Business: Continued discussion on proposals for financial institutions.

Recessed: 9:00 a.m. until 11:00 a.m.

Reconvened: 11:00 a.m.

Members Present: All committee members present.

Other Committee Business: Continued discussion on proposals for financial institutions.

Recessed: 12:30 p.m. until 4:00 p.m.

Reconvened: 4:00 p.m.

Members Present: All committee members present.

Other Committee Business: Assigned bills to subcommittees; continued discussion of proposals for financial institutions.

Adjourned: 5:30 p.m.

COMMERCE

Convened: March 31, 1982, 1:00 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: none.

Final Bill Action: HOUSE FILE 2464, a bill for an act relating to the Iowa small business loan program.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Continued discussion on proposals for financial institutions.

Adjourned: 3:00 p.m.

COUNTY GOVERNMENT

Convened: March 30, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger.

Members Absent: none.

Final Bill Action: SENATE FILE 2098, a bill for an act relating to county finances by requiring annual budgets and reports, consolidating funds and levies and establishing levy limitations, expanding the duties and tenure of the county finance committee, providing for current and noncurrent debt, making coordinating amendments, and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5427.

Final Vote: Ayes, 6: Briles, Waldstein, Wells, Goodwin, C. Miller and Vande Hoef. Nays, 4: Brown, Hester, Priebe and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 4:00 p.m.

COUNTY GOVERNMENT

Convened: March 31, 1982, 3:00 p.m.

Members Present: Briles, Chair; Waldstein, Vice Chair; Wells, Ranking Member; Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger.

Members Absent: none.

Final Bill Action: HOUSE FILE 2387, a bill for an act relating to county government by making amendments which are required for accuracy or to reconcile the county home rule Act and other laws or to implement the legislative intent of the county home rule Act.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller., Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2457, a bill for an act relating to the disposition of fines and forfeited bail for violations of county ordinances.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Briles, Waldstein, Wells, Brown, Goodwin, Hester, C. Miller, Priebe, Vande Hoef and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:15 p.m.

JUDICIARY

Convened: March 30, 1982, 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: none.

Final Bill Action: HOUSE FILE 2344, a bill for an act relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5424.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Small and Taylor. Nays, none. Absent or not voting, 1: Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2365, a bill for an act relating to testimony of a husband or wife as a witness against the other.

Recommendation: DO PASS.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Carr, Deluhery, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, 1: Coleman. Voting present, 1: Doyle.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 4:15 p.m.

TRANSPORTATION

Convened: March 31, 1982, 10:35 a.m.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Bisenius, Doyle, Hutchins, A. Miller and Nystrom.

Members Absent: Comito and Murray.

Final Bill Action: HOUSE FILE 2469, a bill for an act relating to requirements of the state department of transportation and county officials with regard to secondary and farm-to-market highways.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Drake, Jensen, Coleman, Bisenius, Doyle, Hutchins, A. Miller and Nystrom. Nays, none. Absent or not voting, 2: Comito and Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 10:50 a.m.

WAYS AND MEANS

Convened: March 30, 1982, 1:30 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: none.

Final Bill Action: SENATE FILE 2295, 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 a licensing of certain organizations for the purpose of conducting horse races and racing meets, imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties for the commission of the acts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Readinger, Rodgers, Hultman, Lura, Palmer, Priebe, Ramsey and Rush. Nays, 7: Craft, Hester, Holden, Husak, Junkins, Taylor and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2296 (SSB 2259), a bill for an act relating to income tax effective dates by providing that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for the same tax year, and to make the income tax checkoff for the state fish and game protection fund retroactive to January 1, 1982 for tax years beginning on or after that date, effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Lura, Palmer and Van Gilst. Nays, none. Absent or not voting, 5: Junkins, Priebe, Ramsey, Rush and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2297 (SSB 2240), a bill for an act providing that an assessor shall not list a taxpayer's personal property if the assessor determines that the personal property valuation has not increased to an amount greater than the amount of the credit and the taxpayer has filed a claim for the credit.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Lura, Palmer, Priebe, Taylor and Van Gilst. Nays, 3: Junkins, Ramsey and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2424, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Lura, Palmer, Priebe, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Junkins, Ramsey and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved and amended SSB 2238 as committee bill.

Adjourned: 2:35 p.m.

PRESENTATION OF VISITORS

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

Thirty-eight students from Holmes Junior High School, Cedar Falls, Iowa. Senator Anderson.

Ninety-four students from Terrace Elementary School, Ankeny, Iowa, accompanied by Nick Pauly, Ms. Allen, Ms. Kelly and Mrs. Struthers. Senator Baugher.

Eighteen students from Edison Intermediate School, Waterloo, Iowa, accompanied by Noreen Miller and George Thorston. Senators Comito and Anderson.

Forty-five students from West Elementary School, Knoxville, Iowa, accompanied by Mrs. Nichols. Senator Van Gilst.

Forty-five students from Rockford Senior High School, Rockford, Iowa, accompanied by Superintendent Hansen and Vic Belger. Senator Gratias.

Forty students from St. Marys High School, Remsen, Iowa, accompanied by Sister Delores Smith. Senators DeKoster and Waldstein.

PLACEMENTS ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Robert R. Rigler be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar."

BOB CARR

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Austin B. Turner be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar."

BOB CARR

AMENDMENTS FILED

S-5413	S. F.	312	House Amendment
S-5414	S. F.	537	House Amendment
S-5415	S. F.	26	House Amendment
S-5416	S. F.	260	House Amendment
S-5417	H.F.	764	Arthur A. Small, Jr.
S-5418	S. F.	2046	House Amendment
S-5419	S. F.	367	House Amendment
S-5420	S. F.	2216	House Amendment
S-5421	H.F.	2111	Ted Anderson
S-5422	S. F.	2275	Joe Brown Ray Taylor
S-5423	H.F.	764	Arthur A. Small, Jr.
S-5424	H.F.	2344	Judiciary
S-5425	H.F.	764	Richard Comito
S-5426	H.F.	2351	Calvin O. Hultman
S-5427	S. F.	2098	County Government
S-5428	S. F.	396	House Amendment
S-5429	S. F.	558	House Amendment
S-5430	S. F.	2100	House Amendment
S-5431	H.F.	2426	Bob Rush
S-5432	H.F.	2437	John S. Murray
S-5433	H.F.	2218	Joe Brown
S-5434	H.F.	2218	Richard F. Drake William D. Palmer

S—5435	H.F.	2218	Joe Brown
S—5436	H.F.	2218	Joe Brown
S—5437	H.F.	2218	Charles P. Miller
S—5438	H.F.	2405	Charles P. Miller
S—5439	H.F.	764	Arthur A. Small, Jr.

ADJOURNMENT

On motion of Senator Junkins, the Senate adjourned at 4:05 p.m., until 9:00 a.m., Thursday, April 1, 1982.

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 1, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Peter Vander Weide, pastor of the First Christian Reformed Church, Oskaloosa, Iowa.

The Journal of Wednesday, March 31, 1982, was approved.

PAGES PRESENTATION

Greg Kress, House Page, Finn Bullers, Governor's Page and the fifteen Senate Pages, appeared in the well of the Senate and Senate Page Clark Schoening presented a check in the amount of \$1,182.00 to Linda Jackson, Executive Director of the Polk County Chapter of the American Cancer Society. The check was a donation by the Senate and House Pages for proceeds received from the annual Pages Ball held March 10, 1982, and was given in memory of the late Representative Kenneth Miller.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the morning session on request of Senator Hutchins.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 27 present, 23 absent and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 454, a bill for an act relating to quarterly reports by county officers.

Senate File 2157, a bill for an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit.

Senate File 2209, a bill for an act relating to the time limitation for the administration of an estate including documentation of title.

Senate File 2210, a bill for an act relating to the enforcement of the Iowa state elevator code, and providing a civil penalty.

Senate File 2282, a bill for an act to establish the Terrace Hill authority.

ALSO: That the House has on March 30, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 2192, a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry.

Senate File 2232, a bill for an act relating to profiting from inmates held in custody and providing a penalty.

ALSO: That the House has on March 30, 1982, adopted the following concurrent resolutions in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 131
By: Education Appropriations Subcommittee

- 1 *Whereas*, the General Assembly is concerned about
- 2 the proposed federal budget for the fiscal year 1983,
- 3 including the funds available and eligibility for
- 4 federal aid to college and university students; and
- 5 *Whereas*, the State of Iowa has long demonstrated
- 6 its commitment to higher education through its support
- 7 to both students and educational institutions; and
- 8 *Whereas*, members of the General Assembly are con-

9 cerned that changes in federal funds and eligibility
 10 requirements will affect the number of students
 11 receiving aid; and
 12 *Whereas*, the number of college and university
 13 students receiving aid might present a difficult
 14 challenge to students and educational institutions and
 15 affect the quality of higher education in Iowa; and
 16 *Whereas*, students in the process of obtaining degrees,
 17 who have minimal flexibility to change goals and plans,
 18 might face a particularly difficult challenge in
 19 completing their educational goals; and
 20 *Whereas*, the State of Iowa, though willing to support
 21 student aid programs, needs time to prepare for the transi-
 22 tion from federal to state support and does not presently
 23 have the resources or the facilities adequate to support
 24 a greatly enlarged student aid program; and
 25 *Whereas*, given time, the State of Iowa may be able
 26 to provide the resources and facilities to adequately
 27 administer a greatly enlarged, state supported, student
 28 aid program; *Now Therefore*,
 29 *Be It Resolved by the House of Representatives, the*
 30 *Senate Concurring*, That the General Assembly petitions the

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1 President of the United States and the Congress of the
 2 United States to consider the problem of maintaining
 3 student aid programs with a goal of continuing reason-
 4 able funding and eligibility requirements, until the
 5 State of Iowa has time to study and evaluate the role
 6 of the state in student aid programs and to implement
 7 an adequate state-supported student aid program; and
 8 *Be It Further Resolved*, That copies of this resolu-
 9 tion be transmitted to the President of the United
 10 States and to each member of the Iowa congressional
 11 delegation.

This resolution was read first time and passed on file.

HOUSE CONCURRENT RESOLUTION 135

By: Lloyd-Jones, Clark of Cerro Gordo, Avenson, Corey, Brandt,
 Holt, Bruner, Tofte, Norland, Pelton, Spear, Carpenter, Davitt,
 Swearingen, Connors, Hanson of Delaware, Binneboese, Trucano,
 Halvorson of Webster, McKean, Doderer, Poffenberger, Connolly,
 Smith, Groth, Anderson of Audubon, Arnould, Halvorson of
 Clayton, Lonergan, Diemer, Jochum, Shull, Baxter, Johnson of
 Linn, Rapp, Mullins, Carl, Ritsema, Sullivan, Krewson, O'Kane,
 Clements, Jay, Running, Renken, Rosenberg, Knapp, Mann, Swartz,
 Howell and Van Maanen

- 1 *Whereas, the greatest challenge facing the earth is to*
 2 prevent the occurrence of nuclear war by accident or design;
 3 and
 4 *Whereas, the nuclear arms race is dangerously increasing the*
 5 risk of a holocaust that would be humanity's final war; and
 6 *Whereas, a freeze followed by reductions in nuclear warheads,*
 7 missiles and other delivery systems is needed to halt the
 8 nuclear arms race and to reduce the risk of nuclear war;
 9 *Now Therefore,*
 10 *Be It Resolved by the House of Representatives, the Senate*
 11 *Concurring, That the General Assembly petitions the President*
 12 of the United States and the Congress of the United States to
 13 consider the following:
 14 (1) As an immediate strategic arms control objective, the
 15 United States and the Soviet Union should:
 16 A. Pursue a complete halt to the nuclear arms race;
 17 B. Decide when and how to achieve a mutual and verifiable
 18 freeze on the testing, production and deployment of
 19 nuclear warheads, missiles and other delivery systems;
 20 and
 21 C. Give special attention to destabilizing weapons whose
 22 deployment would make such a freeze more difficult to
 23 achieve.
 24 (2) Proceeding from this freeze, the United States and the
 25 Soviet Union should pursue major, mutual and verifiable
 26 reductions in nuclear warheads, missiles and other delivery
 27 systems through annual percentages or equally effective
 28 means in a manner that enhances stability; and

Page 2

- 1 *Be It Further Resolved, That copies of this resolution*
 2 be transmitted to the President of the United States and
 3 to each member of the Iowa congressional delegation.

This resolution was 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.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

**CONSIDERATION OF BILLS
(Steering Calendar)**

Senator Hultman asked and received unanimous consent to take up out of order House File 2357.

House File 2357

On motion of Senator Readinger, House File 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations, with reports of committee on Cities recommending amendment and passage and the committee on State Government without recommendation, was taken up for consideration.

Senator Readinger offered amendment S—5228 filed by the committee on Cities on March 10, 1982, to pages 1, 3 and 4 of the bill and moved its adoption.

Amendment S—5228 was adopted by a voice vote.

Senator Yenger offered amendment S—5442 filed by Senators Yenger, et al., from the floor to page 4 of the bill.

Senator Murray raised the point of order that amendment S—5442 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5442 out of order.

Senator Readinger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2357) the vote was:

Ayes, 38:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Hutchins
Junkins	Kudart	Lura	Miller, A.V.

Miller, C.P.	Murray	Nystrom	Palmer
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Van Gilst	Waldstein
Wells	Yenger		

Nays, 9:

Gallagher	Gratias	Husak	Jensen
Priebe	Ramsey	Taylor	Tieden
Vande Hoef			

Absent or not voting, 3:

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

House File 800

On motion of Senator Readinger, House File 800, a bill for an act relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures, with report of committee recommending passage, was taken up for consideration.

Senator Anderson offered amendment S—5412 filed by him on March 30, 1982, 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—5412 be adopted?" (H.F. 800) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Anderson	Brown	Carney	Carr
DeKoster	Deluhery	Doyle	Gentleman
Hulse	Miller, A.V.	Miller, C.P.	Palmer
Readinger	Slater	Small	Van Gilst
Wells	Yenger		

Nays, 28:

Baughner	Comito	Craft	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Murray	Nystrom	Priebe
Ramsey	Rodgers	Rush	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein

Voting present, 1:

Bisenius

Absent or not voting, 3:

Briles Coleman Kinley

Amendment S—5412 lost.

Senator Holden offered amendment S—5444 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5444 was adopted by a voice vote.

Senator Readinger asked and received unanimous consent that further action on **House File 800** be deferred.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2186, a bill for an act relating to the examination and appointment of deputy assessors.

RECESS

On motion of Senator Hultman, the Senate recessed at 10:25 a.m., until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2298, by Hultman and Junkins, a bill for an act to legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication.

Read first time and referred to the committee on **State Government**.

Senate File 2299, by Committee on Ways and Means, a bill for an act relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, providing for conditions upon which free samples may be distributed, providing for penalty and interest for unpaid or delinquent taxes, the time period in which a hearing must be held when a protest is filed, waiver of penalty and reduction or abatement of interest by the director, and repealing the Iowa unfair cigarette sales Act and the one-time inventory tax refund.

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2342, a bill for an act relating to the regulation of persons engaged in the marketing or leasing of livestock, making an appropriation, and providing civil remedies and civil penalties and a January 1 effective date.

This bill was read first time and referred to the committee on **Agriculture**.

APPENDIX

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. C.R. 115 Education

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following 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 1st day of April, 1982:

Senate Files 400, 2068, 2077, 2223 and 2250.

K. MARIE THAYER
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: March 31, 1982, 12:27 p.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft and Vande Hoef.

Members Absent: none.

Other Committee Business: Approved Co-Chair proposals FY '83; discussed and voted on FY '83 intent language.

Adjourned: 1:30 p.m.

AGRICULTURE

Convened: April 1, 1982, 8:10 a.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Dreeszen, Hulse, Husak, A. Miller, Vande Hoef, Waldstein and Van Gilst.

Members Absent: none.

Final Bill Action: HOUSE FILE 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Taylor, Hester, Hutchins, Dreeszen, Hulse, Husak, A. Miller, Vande Hoef, Waldstein and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2425, a bill for an act relating to the use of municipal sewage sludge as fertilizer.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Taylor, Hester, Hutchins, Dreeszen, Hulse, Husak, A. Miller, Vande Hoef, Van Gilst and Waldstein. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:40 a.m.

COMMERCE

Convened: April 1, 1982, 8:00 a.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Jensen, Priebe and Rush.

Members Absent: none.

Other Committee Business: Discussed and requested LSB to prepare a proposal to be introduced by Senators Hultman and Junkins regarding procedures for savings and loan associations.

Adjourned: 9:30 a.m.

EDUCATION

Convened: April 1, 1982, 8:43 a.m.

Members Present: Gratias, Chair; Carney, Vice Chair; Brown, Ranking Member; Anderson, Dreeszen, Small and Taylor.

Members Absent: DeKoster, Jensen and Wells.

Final Bill Action: HOUSE FILE 2420, a bill for an act relating to the authority of the state board of public instruction over a school district not maintaining twelve grades.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gratias, Carney, Brown, Anderson, Dreeszen, Small and Taylor. Nays, none. Absent or not voting, 3: DeKoster, Jensen and Wells.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed Senate Resolution 110—deferred action.

Adjourned: 8:52 a.m.

HUMAN RESOURCES

Convened: April 1, 1982, 1:40 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; Carr, Drake, Gratias, Hulse, A. Miller, Nystrom (arrived 1:44 p.m.), Slater and Vande Hoef.

Members Absent: C. Miller, Ranking Member and Coleman.

Final Bill Action: HOUSE FILE 2441, a bill for an act requiring the department of social services to study and recommend a proposal relating to elderly independent group homes.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gentleman, Yenger, Carr, Drake, Gratias, Hulse, A. Miller, Nystrom, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: C. Miller and Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2446, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5453.

Final Vote: Ayes, 10: Gentleman, Yenger, Carr, Drake, Gratias, Hulse, A. Miller, Nystrom, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: C. Miller and Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 118, a resolution relating to evaluating the impact of proposed legislation on Iowa families.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Gentleman, Yenger, Carr, Drake, Gratias, Hulse, A. Miller, Nystrom, Slater and Vande Hoef. Nays, none. Absent or not voting, 2: C. Miller and Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:56 p.m.

JUDICIARY

Convened: March 31, 1982, 11:00 a.m.; recessed at 12:15 p.m.; reconvened at 3:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: none.

Final Bill Action: HOUSE FILE 2154, a bill for an act to legalize a conveyance of a parcel of abandoned road by the Guthrie county board of supervisors.

Recommendation: DO PASS.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2368, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges.

Recommendation: DO PASS.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2369, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5448.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2427, a bill for an act to legalize the action of the board of supervisors of Dubuque county reprecincting Cascade and Whitewater townships effective upon publication.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, 1: DeKoster.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2429, a bill for an act relating to the use of chapter 663A of the Code by persons convicted of, or sentenced for, a public offense.

Recommendation: DO PASS.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2430, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings.

Recommendation: DO PASS.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2442, a bill for an act relating to custody of children upon dissolution of marriage.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5446.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2453, a bill for an act relating to the dollar limitation on the administration of certain small estates.

Recommendation: DO PASS.

Final Vote: Ayes, 14: DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 6, a resolution supporting the claims of ownership of Iowa lands brought by the Monona County Land Association in litigation of Wilson et al. v. Omaha Indian Tribe et al.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5445.

Final Vote: Ayes, 8: Baugher, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, 3: DeKoster, Carr and Murray. Voting present, 1: Kudart.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 5:30 p.m.

JUDICIARY

Convened: April 1, 1982, 10:30 a.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: Coleman (excused).

Final Bill Action: HOUSE FILE 2346, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5449.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Carr, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Murray and Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2374, a bill for an act relating to escape from a detention facility or institution and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: DeKoster, Kudart, Rush, Baugher, Carr, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 2: Murray and Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2465, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the Code.

Recommendation: DO PASS.

Final Vote: Ayes, 13: DeKoster, Kudart, Rush, Baugher, Carr, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Murray, Small and Taylor. Nays, none. Absent or not voting, 1: Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:00 noon.

NATURAL RESOURCES

Convened: March 31, 1982, 8:15 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden, Hutchins and Rodgers.

Members Absent: Gallagher.

Other Committee Business: Discussed House File 2435 relating to shooting ranges; recommended confirmation of Governor's appointees Wayne Gieselman to the Iowa Natural Resources Council and Stephen Ballou as Executive Director of Environmental Quality.

Adjourned: 8:30 a.m.

STATE GOVERNMENT

Convened: April 1, 1982, 3:04 p.m.

Members Present: Nystrom, Chair; Lura, Vice Chair; Slater, Ranking Member; Carr, Craft (arrived 3:10 p.m.), Drake, Gallagher, Gentleman, C. Miller, Palmer (arrived 3:15 p.m.), Schwengels and Tieden.

Members Absent: Briles and Hutchins.

Final Bill Action: SENATE FILE 2295, 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 races and racing meets, imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties for the commission of the acts.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Nystrom, Lura, Slater, Carr, Gallagher, Gentleman, C. Miller and Tieden. Nays, 2: Drake and Schwengels. Absent or not voting, 4: Briles, Craft, Hutchins and Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2298, a bill for an act to legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Nystrom, Lura, Slater, Briles, Craft, Drake, Gallagher, Gentleman and C. Miller. Nays, none. Absent or not voting, 5: Carr, Hutchins, Palmer, Schwengels and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2386, a bill for an act relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Lura, Slater, Carr, Drake, Gallagher, Gentleman, C. Miller, Schwengels and Tieden. Nays, none. Absent or not voting, 4: Briles, Craft, Hutchins and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Lura, Slater, Carr, Craft, Drake, Gallagher, Gentleman, C. Miller and Tieden. Nays, none. Voting present, 1: Schwengels. Absent or not voting, 3: Briles, Hutchins and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2454, a bill for an act relating to the refund of fees when a mobile home park license is denied, revoked, or suspended.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Lura, Slater, Carr, Craft, Drake, Gallagher, Gentleman, C. Miller, Schwengels and Tieden. Nays, none. Absent or not voting, 3: Briles, Hutchins and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:10 p.m.

WAYS AND MEANS

Convened: April 1, 1982, 1:33 p.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Palmer and Priebe (excused).

Final Bill Action: SENATE FILE 2299 (SSB 2238), a bill for an act relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, providing for conditions upon which free samples may be distributed, providing for penalty and interest for unpaid or delinquent taxes, the time period in which a hearing must be held when a protest is filed, waiver of penalty and reduction or abatement of interest by the director, and repealing the Iowa unfair cigarette sales Act and the one-time inventory tax refund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Readinger, Hester, Holden, Hultman, Husak, Lura, Ramsey and Taylor. Nays, 2; Rodgers and Van Gilst. Absent or not voting, 4: Junkins, Palmer, Priebe and Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2393, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Lura, Ramsey, Taylor and Van Gilst. Nays, none. Absent or not voting, 4; Junkins, Palmer, Priebe and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved Senate File 185 and ordered redrafted for final approval as a committee bill.

Adjourned: 2:59 p.m.

PRESENTATION OF VISITOR

President Branstad welcomed the Honorable Norman A. Erbe, former Governor of Iowa from Boone, who was present in the Senate chamber as the guest of Senator Nystrom.

AMENDMENTS FILED

S-5440	S. F.	2192	House Amendment
S-5441	S. F.	2232	House Amendment
S-5442	H.F.	2357	Sue Yenger James D. Wells Forrest V. Schwengels C.W. Bill Hutchins Dale L. Tieden Arne Waldstein
S-5443	S. F.	2186	House Amendment
S-5444	H.F.	800	Edgar H. Holden
S-5445	H.C.R.	6	Judiciary Committee
S-5446	H.F.	2442	Judiciary Committee
S-5447	H.F.	2398	Bob Carr
S-5448	H.F.	2369	Judiciary Committee
S-5449	H.F.	2346	Judiciary Committee
S-5450	H.F.	2460	Bob Rush
S-5451	S. F.	2295	Ted Anderson
S-5452	H.F.	2218	Richard F. Drake William D. Palmer
S-5453	H.F.	2446	Human Resources Committee
S-5454	H.F.	2374	Stephen W. Bisenius

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:05 p.m., until 9:00 a.m., Friday, April 2, 1982.

JOURNAL OF THE SENATE

EIGHTY-SECOND CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 2, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Honorable Jack W. Hester, member of the Senate from Pottawattamie County, Honey Creek, Iowa, who vocally performed the song, "It Is No Secret."

The Journal of Thursday, April 1, 1982, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Carney for the day on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2088, a bill for an act to authorize a property tax levy by school districts for a cash reserve.

ALSO: That the House has on March 31, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2473, a bill for an act to designate additional secondary noxious weeds.

This bill was read first time and **passed on file**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 116

By: Gallagher

1 *Whereas*, plans have been announced to ship spent
2 nuclear fuel across Iowa from "on-site storage" to
3 "away-from-reactor temporary storage"; and
4 *Whereas*, some away-from-reactor storage sites will
5 receive five shipments per day; and
6 *Whereas*, these shipments will be made by rail or
7 by truck on public highways; and
8 *Whereas*, the proposed rail route across southern
9 Iowa consists of deteriorating track which has had
10 recent derailments; and
11 *Whereas*, spent fuel is actually irradiated waste so
12 toxic that one truck load or one half metric ton if
13 exposed would produce a lethal radiation dose within
14 ten seconds; and
15 *Whereas*, the approved shipping casks are not re-
16 quired to withstand the temperatures reached in
17 vehicle accident fires; and
18 *Whereas*, the approved shipping casks have not been
19 subjected to actual collision tests and have other
20 documented deficiencies; *Now Therefore*,
21 *Be It Resolved by the Senate, the House Concurring*,
22 That the Legislative Council is requested to appoint an
23 interim subcommittee composed of members from the
24 house and senate standing committees on energy and the
25 house and senate standing committees on transportation
26 to study the shipment of spent nuclear fuel across
27 Iowa; and
28 *Be It Further Resolved*, That the committee examine
29 the transportation methods to be used in shipping spent
30 fuel, safety measures accompanying these shipments

Page 2

1 including communications systems, vehicle immobiliza-
2 tion systems, advance route approval by the Nuclear
3 Regulatory Commission, and coordination with police
4 along the route, and the ramifications of a possible
5 transportation accident, including the establishment
6 of clean-up procedures.

Read first time and passed on file.

**CONSIDERATION OF BILLS
(Noncontroversial Calendar)**

House File 777

On motion of Senator Kudart, House File 777, a bill for an act relating to assignments of instruments and accounts, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kudart asked and received unanimous consent that further action on House File 777 be deferred.

House File 796

On motion of Senator Hutchins, House File 796, a bill for an act providing for the issuance of a restricted license for certain persons between the ages of sixteen and eighteen, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hutchins offered amendment S—5184 filed by the committee on Transportation on March 3, 1982, to strike everything after the enacting clause and to the title page of the bill.

Senator Doyle offered amendment S—5205 filed by him on March 8, 1982, to page 2 of amendment S—5184 and moved its adoption.

Amendment S—5205 was adopted by a voice vote.

Senator Hutchins moved the adoption of amendment S—5184 as amended, which motion prevailed by a voice vote.

Senator Hutchins moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 796) the vote was:

Ayes, 47:

Anderson	Bisenius	Briles	Brown
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias

Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Baughner	Carney	Comito
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

House File 84

On motion of Senator Nystrom, House File 84, a bill for an act relating to pensions under firemen's and policemen's pension funds, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 84) the vote was:

Ayes, 47:

Anderson	Bisenius	Briles	Brown
Carr	Coleman	Craft	DeKoster
Deluhery	Coyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Baughner Carney Comito

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

House File 2337

On motion of Senator Yenger, House File 2337, a bill for an act relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails, with report of committee recommending passage, was taken up for consideration.

Senator Yenger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2337) the vote was:

Ayes, 47:

Anderson	Bisenius	Briles	Brown
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Baughner Carney Comito

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

House File 2173

On motion of Senator Schwengels, House File 2173, a bill for an act relating to the projects for which industrial revenue bonds may

be issued under chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped, with report of committee recommending passage, was taken up for consideration.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2173) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Craft
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Vande Hoef	Van Gilst
Wells	Yenger		

Nays, 5:

DeKoster	Holden	Kudart	Small
Waldstein			

Absent or not voting, 3:

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

House File 2361

On motion of Senator Gratias, House File 2361, a bill for an act relating to the access of a spouse to the medical records of a mental health patient, with report of committee recommending passage, was taken up for consideration.

Senator Gratias moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2361) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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 2376

On motion of Senator Brown, House File 2376, a bill for an act relating to the boundary lines of merged areas and area education agencies and providing that the Act takes effect upon its publication, with report of committee recommending passage, was taken up for consideration.

Senator Brown moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2376) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden

Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Carney Kudart

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

House File 2380

On motion of Senator DeKoster, House File 2380, a bill for an act relating to insolvent insurers, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2380) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Carney Murray Tieden

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

House File 2397

On motion of Senator Nystrom, House File 2397, a bill for an act relating to the time of expiration of the commission of a notary public and to the notice required to be given by the secretary of state and allowing the secretary of state to appoint as a notary public a resident of a border state working in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2397) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Doyle

Absent or not voting, 2:

Carney

Tieden

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

REQUEST FOR UNANIMOUS CONSENT

Senator Hultman asked and received unanimous consent to rearrange the existing Steering Calendar.

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

House File 2410

On motion of Senator Hutchins, House File 2410, a bill for an act to exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee, with report of committee recommending passage, was taken up for consideration.

Senator Hutchins moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2410) the vote was:

Ayes, 47:

Anderson	Bisenius	Briles	Brown
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

House File 2416

On motion of Senator Coleman, House File 2416, a bill for an act to allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis, with report of committee recommending passage, was taken up for consideration.

Senator Coleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2416) the vote was:

Ayes, 46:

Baugher	Bisenius	Briles	Brown
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

House File 2059

On motion of Senator Holden, House File 2059, a bill for an act relating to motor fuel tests, with report of committee recommending passage, was taken up for consideration.

Senator Jensen withdrew amendment S—5392 filed by him on March 26, 1982, to page 2 of the bill.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2059) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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 2359

On motion of Senator Dreeszen, House File 2359, a bill for an act making records of court ordered support payments public records, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **House File 2359** be **deferred**.

House File 2385

On motion of Senator Rush, House File 2385, a bill for an act relating to the confidentiality of the application, affidavits and order for a nontestimonial identification, with report of committee recommending passage, was taken up for consideration.

Senator Rush moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2385) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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.

BILL REFERRED TO COMMITTEE

President Branstad announced that **House File 2393** was referred from the Ways and Means Calendar to the committee on **Appropriations** under Senate Rule 37.

CONSIDERATION OF BILLS (Noncontroversial Calendar)

House File 2405

On motion of Senator Jensen, House File 2405, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jensen offered amendment S—5361 filed by the committee on Transportation on March 24, 1982, to page 1 of the bill.

Senator Coleman asked and received unanimous consent that further action on **House File 2405** and amendment S—5361 be **deferred**.

House File 2418

On motion of Senator Small, House File 2418, a bill for an act to provide that traffic violation proceedings by the state board of regents or its institutions are not contested cases under the Iowa administrative procedure Act, with report of committee recommending passage, was taken up for consideration.

Senator Gentleman took the chair at 11:10 a.m.

Senator Small moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2418) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Carney	Comito	Craft	Kudart
Ramsey			

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

BUSINESS PENDING

House File 2359

The Senate resumed consideration of House File 2359, previously deferred.

Senator Dreeszen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2359) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Murray
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Miller, C.P.

Absent or not voting, 6:

Carney	Comito	Craft	Hester
Nystrom	Schwengels		

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 2, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2472, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

This bill was read first time and referred to the committee on **Judiciary**.

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 113

By: Committee on Rules and Administration

1 *Whereas*, The legislative authority of this State is
2 vested in the general assembly consisting of the Senate
3 and the House of Representatives; and

4 *Whereas*, the Senate necessarily incurs substantial
5 expenses for its daily operations; and

6 *Whereas*, the Senate is authorized to expend funds
7 from the state treasury necessary to pay for its
8 expenses and for expenses incurred jointly by the
9 Senate and the House of Representatives; and

10 *Whereas*, it is deemed advisable and proper for the
11 Senate to make expenditures in accordance with a
12 budgetary plan; *Now Therefore*,

13 *Be It Resolved by the Senate of the State of Iowa:*

14 Section 1. Expenditures of the Senate payable
15 pursuant to Iowa Code sections 2.10 through 2.14
16 inclusive for the regular legislative session and the
17 interim period during the fiscal year beginning July 1,
18 1982 and ending June 30, 1983, are budgeted to be as
19 follows:

20 A. Session expenses including members' and
21 temporary staff compensation and other current
22 expense in an amount not to exceed \$1,667,589.

23 B. Interim expenses including members' and
24 staff compensation and other current expenses in
25 an amount not to exceed \$128,000.

26 C. Fixed expenses, including permanent employees'
27 compensation and equipment in an amount not to
28 exceed \$630,000.

29 D. Joint session and interim expenses in an
30 amount not to exceed \$62,850.

Page 2

1 Sec. 2. The secretary of the Senate shall immediately
2 provide written notice to the majority and minority
3 leaders of the Senate and to the chair and ranking

4 member of the Senate appropriations committee if actual
 5 expenditures payable pursuant to Iowa Code sections 2.10
 6 through 2.14 inclusive exceed the maximum amount allocated
 7 to any category of the budget provided by section 1 of
 8 this resolution. The written notice shall specify the
 9 amount of and reasons for any excess expenditure.

10 Sec. 3. The expenditures referred to in section 2
 11 of this resolution shall consist only of those sums
 12 required for payment of the various expenses of the
 13 general assembly including such items as legislative
 14 printing expenses, unpaid expenses incurred during
 15 the interim between sessions of the general assembly,
 16 joint expenses, expenditures incurred pursuant to
 17 resolutions, and expenses for purchases of legislative
 18 equipment and supplies necessary to carry out the
 19 functions of the general assembly. Expenses for
 20 renovation and remodeling of the senate chamber or
 21 offices approved by the committee on rules and
 22 administration are not included in the budget set
 23 forth in this resolution.

24 Sec. 4. If a special session of the general
 25 assembly is held, the committee on rules and
 26 administration shall submit for consideration of
 27 the Senate a resolution providing for a budget for
 28 the special session.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 117

By: Hutchins, Miller of Cerro Gordo, Gallagher, Wells, Husak, Brown, Doyle, Small,
 Coleman, Palmer, Miller of Des Moines, Tieden, Goodwin, Carr, Readinger,
 Anderson, Yenger, Priebe, Schwengels, Rodgers, Gratias, Van Gilst, Hester,
 Junkins, Briles and Slater

1 *Whereas*, current farm prices and net income of
 2 farmers are at the level of the depression of the
 3 1930's; and
 4 *Whereas*, high interest rates are reducing the
 5 already low farm income to the point that many farmers
 6 are being forced out of business, or are being
 7 threatened with foreclosure; and
 8 *Whereas*, farm exports are currently being sold
 9 at prices below the cost of production while at the
 10 same time the U.S. government is providing foreign
 11 governments credit to purchase these products at
 12 bargain-basement prices; and
 13 *Whereas*, availability for low interest grain
 14 storage facility loans are not available to a vast
 15 majority of American farmers; *Now Therefore*,

16 *Be It Resolved by the Senate, the House Con-*
17 *curring,* That the U.S. government redirect its
18 monetary support toward American farmers by
19 instituting a paid set aside program, providing low
20 interest loans for grain storage facilities, placing
21 a moratorium on foreclosure by the FmHA and making
22 every effort possible to bring the interest
23 rate down to a reasonable level; and
24 *Be It Further Resolved,* That the Secretary of the
25 Senate shall be instructed to forward copies of this
26 Resolution to members of the Congress from Iowa and
27 the President of the United States.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 118

By: Committee on Commerce

1 *Whereas,* banks, savings and loan associations, credit
2 unions, industrial loan companies and chattel loan
3 companies, referred to in this resolution as regulated
4 financial institutions, traditionally have had separate
5 economic functions, separate regulatory laws, and
6 separate regulatory agencies; and
7 *Whereas,* recent economic conditions have caused some
8 of the various types of regulated financial institutions
9 to seek authority to engage in types of businesses that
10 are outside the scope of their traditional functions; and
11 *Whereas,* recent legislation and legislative proposals
12 at both the state and the national level have had or would
13 have the effect of eliminating many of the features that
14 previously have distinguished one type of regulated
15 financial institution from another or have distinguished
16 regulated financial institutions from other business
17 enterprises; and
18 *Whereas,* the traditional theory and practice in regulat-
19 ing the respective types of regulated financial institutions
20 may not be valid in view of these departures from historical
21 economic conditions and traditional functions; *Now Therefore,*
22 *Be It Resolved by the Senate, the House Concurring,* That
23 the legislative council appoint a joint subcommittee of the
24 Senate and House Standing Committees on Commerce to under-
25 take and complete during the 1982-83 legislative interim
26 a study of the appropriateness and feasibility of reorganizing
27 the state regulatory agencies for regulated financial in-
28 stitutions into a single state department, and of recodifying
29 state law as may be appropriate for the purpose of eliminating
30 unnecessary duplication of provisions that are common to the

Page 2

- 1 various types of regulated financial institutions, and
- 2 of taking such other steps as may be necessary to adapt
- 3 state law to existing economic conditions and pending
- 4 and proposed federal legislation as it relates to
- 5 regulated financial institutions.

Read first time and referred to the committee on Rules and Administration.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2295

State Government
Lura, Chair
Briles
Palmer

**SENATE CONCURRENT
RESOLUTION 113**

Rules and Administration
Hultman, Chair
Junkins
Holden

**SENATE CONCURRENT
RESOLUTION 114**

Human Resources
Slater, Chair
Vande Hoef
Hulse

HOUSE FILE 2220

Judiciary
Ramsey, Chair
Baughner
Doyle

HOUSE FILE 2363

Agriculture
Waldstein, Chair
Van Gilst
Hulse

HOUSE FILE 2374

Judiciary
Kudart, Chair
Coleman
Rush

HOUSE FILE 2386

State Government
Drake, Chair
Briles
Gallagher

HOUSE FILE 2387

County Government
Briles, Chair
Waldstein
C. Miller

HOUSE FILE 2413

Judiciary
Baughner, Chair
Doyle
Carr

HOUSE FILE 2425

Agriculture
Husak, Chair
Dreeszen
Vande Hoef

HOUSE FILE 2427

Judiciary
Carr, Chair
Rush
Ramsey

HOUSE FILE 2429

Judiciary
Baughner, Chair
Coleman
Dreeszen

HOUSE FILE 2430

Judiciary
Carr, Chair
Baughner
Doyle

HOUSE FILE 2433

Agriculture
Dreeszen, Chair
Taylor
Husak

HOUSE FILE 2434

Judiciary
Kudart, Chair
Baugher
Small

HOUSE FILE 2438

Judiciary
Murray, Chair
Doyle
Lura

HOUSE FILE 2446

Human Resources
Gentleman, Chair
Yenger
Vande Hoef
Slater
A. Miller

HOUSE FILE 2453

Judiciary
Doyle, Chair
Kudart
Rush

HOUSE FILE 2455

Agriculture
Dreeszen, Chair
Taylor
Husak

HOUSE FILE 2460

Judiciary
Murray, Chair
Rush
DeKoster

HOUSE FILE 2462

Judiciary
Doyle, Chair
Murray
Lura

HOUSE FILE 2464

Commerce
Baugher, Chair
Comito
Husak

HOUSE FILE 2437

Human Resources
Vande Hoef, Chair
Slater
Hulse

HOUSE FILE 2439

State Government
Palmer, Chair
Lura
Hutchins

HOUSE FILE 2448

Agriculture
A. Miller, Chair
Hester
Hulse

HOUSE FILE 2454

State Government
Tieden, Chair
Schwengels
Slater

HOUSE FILE 2457

County Government
Wells, Chair
Hester
Goodwin

HOUSE FILE 2461

Commerce
DeKoster, Chair
Comito
Rush

HOUSE FILE 2463

Natural Resources
Schwengels, Chair
Goodwin
Tieden
Hutchins
Van Gilst

HOUSE FILE 2465

Judiciary
Doyle, Chair
Lura
Coleman

HOUSE FILE 2469

Transportation
Drake, Chair
Hutchins
Comito

**HOUSE CONCURRENT
RESOLUTION 130**

Agriculture
Van Gilst, Chair
Vande Hoef
Hutchins

**HOUSE CONCURRENT
RESOLUTION 118**

Human Resources
Yenger, Chair
A. Miller
Coleman

**HOUSE FILE 2393
(March 29, 1982)**

Ways and Means
Craft, Chair
Hultman
Junkins

COMMUNICATION

The following communication was filed with the Secretary of the Senate on March 31, 1982:

March 31, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

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

These include 7 claims of a general nature. This supplements our filing of December 22, 1981.

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

Very truly yours,
MAURICE E. BARINGER
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

K. MARIE THAYER
Secretary of the Senate

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
10298-69-25	Humboldt County Treasurer Dakota City Reimbursement of claims through Juvenile Justice Program	\$21,053.20	Disapproved
10428-69-25	Valley Vue Nursing Home Armstrong Title XIX	235.29	Disapproved
10672-69-25	Allen Memorial Hospital Waterloo Title XIX	18.00	Disapproved
10573-69-25	Allen Memorial Hospital Waterloo Title XIX	23.10	Disapproved
10675-69-25	Allen Memorial Hospital Waterloo Title XIX	33.50	Disapproved
10596-69-25	Allen Memorial Hospital Waterloo Title XIX	23.10	Disapproved
038-70-25	Allen Memorial Hospital Waterloo Title XIX	205.32	Disapproved

PROOF OF PUBLICATION

Published copy of House File 2472 and verified proof of publication of said bill in the Grinnell Herald-Register, a newspaper published in Grinnell, Iowa, on February 8, 1982, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: April 1, 1982, 12:15 p.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Kudart and A. Miller.

Members Absent: Readinger (excused).

Other Committee Business: Discussed and approved formula for homemaker services.

Adjourned: 1:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: April 1, 1982, 12:16 p.m.

Members Present: Waldstein, Chair; Slater, Ranking Member; Brown, Craft (arrived 1:09 p.m.) and Vande Hoef.

Other Committee Business: Approved intent language to be incorporated in final social services appropriations bill FY '83.

Adjourned: 1:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON STATE GOVERNMENT

Convened: April 1, 1982, 8:00 a.m.

Members Present: Schwengels, Chair; Carr, Ranking Member and Wells.

Members Absent: Lura and Taylor.

Other Committee Business: Approved LSB 3896S, relating to appropriations to various executive, legislative, and judicial departments and agencies.

Adjourned: 9:05 a.m.

AGRICULTURE

Convened: April 2, 1982, 8:45 a.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Dreeszen, Hulse, Husak, A. Miller, Van Gilst, Vande Hoef and Waldstein.

Members Absent: none.

Final Bill Action: HOUSE FILE 2342, a bill for an act relating to the regulation of persons engaged in the marketing or leasing of livestock, making an appropriation, and providing civil remedies and civil penalties and a January 1 effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Taylor, Hester, Hutchins, Dreeszen, Hulse, Husak, A. Miller, Van Gilst, Vande Hoef and Waldstein. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:10 a.m.

COMMERCE

Convened: April 2, 1982, 10:00 a.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Deluhery, Ranking Member; Comito, Craft, DeKoster, Husak, Priebe and Rush.

Members Absent: Jensen (excused).

Final Bill Action: HOUSE FILE 2461, a bill for an act relating to group insurance coverage for county extension office assistants.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Priebe and Rush. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 118, a resolution relating to the legislative council to appoint a subcommittee of Senate and House Standing Committees on Commerce for reorganizing regulated financial institutions.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Holden, Baugher, Deluhery, Comito, Craft, DeKoster, Husak, Priebe and Rush. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: House File 2401 failed recommendation for passage.

Adjourned: 10:30 a.m.

JUDICIARY

Convened: April 1, 1982, 4:15 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: Coleman (excused).

Final Bill Action: HOUSE FILE 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into

custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5460.

Final Vote: Ayes, 12: Kudart, Rush, Baugher, Carr, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor. Nays, 1: DeKoster. Absent or not voting, 1: Coleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 5:30 p.m.

NATURAL RESOURCES

Convened: April 2, 1982, 8:05 a.m.

Members Present: Schwengels, Chair; Goodwin, Vice Chair; Van Gilst, Ranking Member; Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers.

Members Absent: none.

Final Bill Action: HOUSE FILE 2435, a bill for an act relating to shooting ranges.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5459.

Final Vote: Ayes, 7: Schwengels, Goodwin, Van Gilst, Gentleman, Tieden, Hutchins and Rodgers. Nays, 1: Kudart, Absent or not voting, 1: Gallagher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2463, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5462.

Final Vote: Ayes, 9: Schwengels, Goodwin, Van Gilst, Gentleman, Kudart, Tieden, Gallagher, Hutchins and Rodgers. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:35 a.m.

RULES AND ADMINISTRATION

Convened: April 2, 1982, 8:35 a.m.

Members Present: Hultman, Chair; Hulse, Vice Chair; Kinley, Ranking Member and Holden.

Members Absent: Junkins and Ramsey.

Final Bill Action: SENATE RESOLUTION 113, a resolution providing for the Senate budget for fiscal year 1983.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 4: Hultman, Hulse, Holden and Kinley. Nays, none. Absent or not voting, 2: Junkins and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 113, a resolution petitioning the President of the United States to limit the nuclear arms race.

Recommendation: DO PASS.

Final Vote: Ayes, 4: Hultman, Hulse, Kinley and Holden. Nays, none. Absent or not voting, 2: Ramsey and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:50 a.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 on April 2, 1982:

H.F. 2394
H.F. 2403
H.F. 2355
H.F. 2398
H.F. 2363
H.F. 2369
H.F. 2460
H.F. 2218
H.F. 2353
H.F. 748
H.F. 303
H.F. 2382
H.F. 792
H.F. 2372
H.F. 2388
H.F. 2111
H.F. 2360
H.F. 2426
H.F. 2437
H.F. 2344
H.F. 2371
H.F. 2441
H.F. 744
S.F. 503 (returned to Regular Calendar)

CALVIN O. HULTMAN, Chair

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:

Shoeman, John D., Atlantic (Rogers, ARKANSAS)

James E. Briles, Chair
 C.W. Bill Hutchins
 Norman Rodgers

DALE L. TIEDEN, Chair
 C. W. BILL HUTCHINS
 MICK LURA
 BASS VAN GILST

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of April, 1982:

Senate Files 24, 536, 2086, 2097, 2163, 2197 and 2201.

K. MARIE THAYER
 Secretary of the Senate

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Russell Wyckoff, former member of the House from Benton County, who was present in the Senate chamber.

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

Nineteen students from Ocheyedan Christian School and Sibley Christian School of Ocheyedan and Sibley, Iowa, accompanied by Duane Starkenburg and Dan Westra. Senator Vande Hoef.

Twenty-eight students from Mar-Mac Elementary School of Marquette and McGregor, Iowa, accompanied by Mr. Elliot and Mr. Vick. Senator Tieden.

AMENDMENTS FILED

S—5455	S. F.	2088	House Amendment
S—5456	H.F.	2339	A.R. Bud Kudart
S—5458	H.F.	764	Edgar H. Holden
S—5459	H.F.	2435	Natural Resources Committee

S—5460	H.F.	2460	Judiciary Committee
S—5461	H.F.	2405	John W. Jensen C. Joseph Coleman
S—5462	H.F.	2463	Natural Resources Committee
S—5463	H.F.	2218	Charles P. Miller
S—5464	H.F.	2218	Charles P. Miller
S—5465	H.F.	2218	Charles P. Miller

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:20 a.m., until 10:00 a.m., Monday, April 5, 1982.

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 5, 1982

The Senate met in regular session at 10:07 a.m., President Branstad presiding.

Prayer was offered by the Honorable Richard Vande Hoef, member of the Senate from Osceola County, Harris, Iowa.

The Journal of Friday, April 2, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Nelson Chesney, M.D., Bettendorf, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Comito for the week; Senators Ramsey, Jensen and Schwengels for the day; and Senators Lura and Murray for the morning session on request of Senator Hultman; Senators Rodgers and Hutchins for the day and Senator Slater for the morning session on request of Senator Gallagher.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 30 present, 20 absent and a quorum present.

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

The Senate resumed session, President Branstad presiding.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:25 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., Senator Lura presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Slater for the afternoon session on request of Senator Junkins.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2109

Senator Kudart withdrew the motion to reconsider Senate File 2109, a bill for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules, filed by him on March 18, 1982, and found on page 822 of the Senate Journal.

**CONSIDERATION OF BILL
(Noncontroversial Calendar)**

Senator Hultman asked and received unanimous consent to take up out of order House File 2373.

House File 2373

On motion of Senator Kudart, House File 2373, a bill for an act relating to the continuation of the activities and functions of the energy policy council, changing the date of the submission of the council's required report, and eliminating the requirement that public recognition for innovative energy conservation methods be given to ten categories of individuals and organizations in each congressional district, with report of committee recommending passage, was taken up for consideration.

Senator Holden offered amendment S—5384 filed by him on March 25, 1982, to pages 1 and 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5384 be adopted?" (H.F. 2373) the vote was:

Ayes, 12:

Bisenius	Carr	Coleman	Dreeszen
Goodwin	Hester	Holden	Hulse
Lura	Taylor	Vande Hoef	Waldstein

Nays, 28:

Anderson	Baughner	Brown	Carney
Craft	DeKoster	Deluhery	Doyle
Drake	Gallagher	Gentleman	Gratias
Hultman	Husak	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Readinger	Rush
Small	Tieden	Wells	Yenger

Absent or not voting, 10:

Briles	Comito	Hutchins	Jensen
Murray	Ramsey	Rodgers	Schwengels
Slater	Van Gilst		

Amendment S—5384 lost.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2373) the vote was:

Ayes, 34:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Hultman	Husak	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rush	Small	Tieden	Vande Hoef
Wells	Yenger		

Nays, 7:

Goodwin Hulse	Gratias Taylor	Hester Waldstein	Holden
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Absent or not voting, 9:

Comito Ramsey Van Gilst	Hutchins Rodgers	Jensen Schwengels	Murray Slater
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Noncontroversial Calendar)

House File 2339

On motion of Senator Kudart, House File 2339, a bill for an act to prohibit bail following conviction of a forcible felony, with report of committee recommending passage, was taken up for consideration. (refer to page 1103 of the April 8, 1982, Senate Journal.)

Senator Hultman raised the point of order that House File 2339 should be referred to the committee on Appropriations under Senate Rule 37.

The Chair ruled the point well taken and House File 2339 was referred from the Noncontroversial Calendar to the committee on Appropriations under Senate Rule 37.

House File 2379

On motion of Senator Kudart, House File 2379, a bill for an act to provide for the interest and earnings of the state fish and game protection fund, with report of committee recommending passage, was taken up for consideration.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2379) the vote was:

Ayes, 38:

Anderson	Baughner	Bisenius	Briles
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Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Hulse	Hultman
Husak	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Readinger	Rush	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, 1:

Holden

Absent or not voting, 11:

Comito	Gratias	Hutchins	Jensen
Murray	Nystrom	Ramsey	Rodgers
Schwengels	Slater	Van Gilst	

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

House File 2390

On motion of Senator Taylor, House File 2390, a bill for an act permitting merged areas to combine the positions of secretary and treasurer with report of committee recommending passage, was taken up for consideration.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2390) the vote was:

Ayes, 41:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rush	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Comito	Hutchins	Jensen	Murray
Ramsey	Rodgers	Schwengels	Slater
Van Gilst			

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

House File 2399

On motion of Senator Dreeszen, House File 2399, a bill for an act relating to the date of the annual organization meeting of the board of directors of an area education agency, with report of committee recommending passage, was taken up for consideration.

Senator Dreeszen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2399) the vote was:

Ayes, 40:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rush	Small	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 10:

Comito	Holden	Hutchins	Jensen
Murray	Ramsey	Rodgers	Schwengels
Slater	Van Gilst		

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

House File 2407

On motion of Senator Small, House File 2407, a bill for an act related to the uniform limited partnership act, with report of committee recommending passage, was taken up for consideration.

Senator Small moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2407) the vote was:

Ayes, 40:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Junkins
Kinley	Kudart	Lura	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rush	Small	Taylor	Tiedinger
Vande Hoef	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 10:

Comito	Hutchins	Jensen	Miller, A.V.
Murray	Ramsey	Rodgers	Schwengels
Slater	Van Gilst		

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Van Gilst for the day on request of Senator Junkins.

CONSIDERATION OF BILLS
(Noncontroversial Calendar)

House File 2411

On motion of Senator Anderson, House File 2411, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Anderson withdrew amendment S—5331 filed by him on March 22, 1982, to page 1 and the title page of the bill.

Senator Anderson offered amendment S—5386 filed by the committee on Education on March 25, 1982, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5386 was adopted by a voice vote.

Senator Anderson moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2411) the vote was:

Ayes, 41:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rush	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Comito	Hutchins	Jensen	Murray
Ramsey	Rodgers	Schwengels	Slater
Van Gilst			

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

House File 2422

On motion of Senator Doyle, House File 2422, a bill for an act to legalize the proceedings of the Oskaloosa community school district relating to a sale of land, with report of committee recommending passage, was taken up for consideration.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2422) the vote was:

Ayes, 37:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Palmer
Readinger	Rush	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, 3:

DeKoster	Gallagher	Priebe
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Absent or not voting, 10:

Comito	Hutchins	Jensen	Murray
Nystrom	Ramsey	Rodgers	Schwengels
Slater	Van Gilst		

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

House File 2431

On motion of Senator Drake, House File 2431, a bill for an act revising deadlines for drawing election precincts, wards, and supervisor districts and requiring maps of supervisor districts to be filed with the state commissioner of elections, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2431) the vote was:

Ayes, 41:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rush	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Comito	Hutchins	Jensen	Murray
Ramsey	Rodgers	Schwengels	Slater
Van Gilst			

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

House File 2432

On motion of Senator Gratias, House File 2432, a bill for an act to provide for approval to raise an additional enrichment amount for a school district's budget at a special election, with report of committee recommending passage, was taken up for consideration.

Senator Gratias moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2432) the vote was:

Ayes, 37:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Craft

DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Holden	Hulse	Hultman	Husak
Junkins	Kinley	Kudart	Lura
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rush	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, 3:

Carr	Gallagher	Hester
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Absent or not voting, 10:

Comito	Hutchins	Jensen	Miller, A.V.
Murray	Ramsey	Rodgers	Schwengels
Slater	Van Gilst		

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

House File 2378

On motion of Senator Tieden, House File 2378, a bill for an act relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan, with report of committee recommending passage, was taken up for consideration.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2378) the vote was:

Ayes, 39:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Readinger
Rush	Small	Taylor	Tieden
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 11:

Comito	Hutchins	Jensen	Murray
Nystrom	Ramsey	Rodgers	Schwengels
Slater	Vande Hoef	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)

House File 2394

On motion of Senator Waldstein, House File 2394, a bill for an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand, with report of committee recommending passage, was taken up for consideration.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2394) the vote was:

Ayes, 40:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rush	Small	Taylor
Vande Hoef	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 10:

Comito	Hutchins	Jensen	Murray
Ramsey	Rodgers	Schwengels	Slater
Tieden	Van Gilst		

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

House File 2403

On motion of Senator Carney, House File 2403, a bill for an act including waterworks and related facilities within the definition of essential corporate purpose, with report of committee recommending passage, was taken up for consideration.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2403) the vote was:

Ayes, 40:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rush	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Yenger

Nays, 1:

Small

Absent or not voting, 9:

Comito	Hutchins	Jensen	Murray
Ramsey	Rodgers	Schwengels	Slater
Van Gilst			

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

House File 2355

On motion of Senator Hultman, House File 2355, a bill for an act to exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt

employees is less than two thousand five hundred dollars, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **House File 2355** be deferred.

House File 2398

On motion of Senator Tieden, House File 2398, a bill for an act relating to a penalty for taking certain game and fish in violation of law, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **House File 2398** be deferred.

President Branstad took the chair at 2:50 p.m.

House File 2369

On motion of Senator Kudart, House File 2369, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gallagher requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

Senator Lura took the chair at 3:03 p.m.

Senator Hultman asked and received unanimous consent that further action on **House File 2369** be deferred.

President Branstad took the chair at 3:19 p.m.

House File 2363

On motion of Senator Waldstein, House File 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments, with report of committee recommending passage, was taken up for consideration.

Senator Waldstein offered amendment S—5469 filed by him from the floor to page 2 of the bill.

Senator Junkins asked and received unanimous consent that further action on **House File 2363** and amendment S—5469 be **deferred**.

House File 748

On motion of Senator Coleman, House File 748, a bill for an act requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders, with report of committee recommending passage, was taken up for consideration.

Senator Coleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 748) the vote was:

Ayes, 41:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Readinger	Rush	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Comito	Hutchins	Jensen	Murray
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Ramsey
Van Gilst

Rodgers

Schwengels

Slater

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

House File 2382

On motion of Senator Goodwin, House File 2382, a bill for an act relating to the identification of the location of wells, with report of committee recommending passage, was taken up for consideration.

Senator Priebe asked and received unanimous consent that further action on **House File 2382** be **deferred**.

House File 792

On motion of Senator Nystrom, House File 792, a bill for an act relating to the administration of the Iowa national guard facilities, and appropriating income from national guard property, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Nystrom offered amendment S—3521 filed by the committee on State Government on April 21, 1981, to page 1 of the bill and moved its adoption.

Amendment S—3521 was adopted by a voice vote.

Senator Husak asked and received unanimous consent that further action on **House File 792** be **deferred**.

BUSINESS PENDING

House File 2355

The Senate resumed consideration of House File 2355, previously deferred.

Senator Anderson offered amendment S—5407 filed by him on March 30, 1982, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 28, nays 13.

Amendment S—5407 was adopted.

Senator Rush offered amendment S—5471 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5471 was adopted by a voice vote.

Senator Hultman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2355) the vote was:

Ayes, 32:

Baughner	Bisenius	Briles	Brown
Carney	Craft	DeKoster	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Priebe	Readinger	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Nays, 9:

Anderson	Carr	Coleman	Deluhery
Gallagher	Palmer	Rush	Small
Wells			

Absent or not voting, 9:

Comito	Hutchins	Jensen	Murray
Ramsey	Rodgers	Schwengels	Slater
Van Gilst			

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

BILL FURTHER DEFERRED

Senator Rush raised the point of order that House File 792, previously deferred, should be referred to the committee on Appropriations under Senate Rule 37.

Senator Rush withdrew his point of order.

Senator Hultman asked unanimous consent that House File 792 be referred from the Unfinished Business Calendar to the committee on State Government.

Senator Hultman withdrew his request.

Senator Hultman asked and received unanimous consent that further action on **House File 792** be **deferred**.

CONSIDERATION OF BILL (Steering Calendar)

House File 2372

On motion of Senator Anderson, House File 2372, a bill for an act relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency, with report of committee recommending passage, was taken up for consideration.

Senator Anderson moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2372) the vote was:

Ayes, 35:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Hultman	Husak	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rush	Small	Taylor	Tieden
Vande Hoef	Wells	Yenger	

Nays, 3:

Bisenius	Carr	Waldstein
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Absent or not voting, 12:

Comito	Gallagher	Holden	Hulse
Hutchins	Jensen	Murray	Ramsey
Rodgers	Schwengels	Slater	Van Gilst

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

REQUEST FOR UNANIMOUS CONSENT

Senator Hultman asked and received unanimous consent to rearrange the existing Steering Calendar.

BILLS RETURNED TO COMMITTEE

Senator Hultman asked and received unanimous consent that the following bills be returned from the Unfinished Business and Regular Calendars to committee:

S. F.	156	Judiciary
S. F.	250	Ways and Means
S. F.	315	State Government
S. F.	430	Education
S. F.	446	State Government
S. F.	503	Natural Resources
S. F.	2148	State Government
S. F.	2168	Commerce
S. F.	2176	Human Resources
S. F.	2206	Agriculture
S. F.	2214	State Government
S. F.	2225	Commerce
S. F.	2230	Commerce
S. F.	2237	County Government
S. F.	2244	Education
S. F.	2246	State Government
S. F.	2248	Education
S. F.	2249	Education
S. F.	2254	State Government
S. F.	2257	Commerce
S. F.	2263	Human Resources
S. F.	2269	State Government
S. F.	2272	Agriculture
S. F.	2275	Education
S. F.	2279	Judiciary
S. F.	2284	State Government

APPENDIX

STUDY BILLS RECEIVED

S.S.B. 2261 Appropriations

Appropriates \$100,000 from the road use tax fund to fund a special task force to study Iowa's transportation system.

S.S.B. 2262 Ways and Means

Relating to direct deposit of funds due schools, townships, and cities collected by the county treasurers.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 5, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 400—Providing for the taxation of a lump sum distribution of an individual, estate or trust who has elected to have the distribution separately taxed under the Internal Revenue Code of 1954.

S.F. 2068—Relating to payment of expenses by boards of directors of merged areas.

S.F. 2077—Relating to the auditing of claims by a board of directors of a merged area.

S.F. 2223—Relating to the designation of attorneys employed to assist a fiduciary of an estate.

S.F. 2250—Relating to the manner of publication of various court rules in the code or a supplement to the code and the manner of citing the code or a supplement to the code or the acts.

H.F. 808—Relating to the registration of motor vehicles, with a December 1, 1983 effective date.

H.F. 833—Changing the beginning and ending dates of the Vietnam conflict for purposes of the military service property tax exemption.

**SUPPLEMENTAL
REPORT OF THE COMMITTEE ON MILEAGE**

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

NAME	ROUND TRIP MILES
Ramsey, Dick	100 to 17 miles
	LUCAS J. DeKOSTER, Chair
	RICHARD F. DRAKE
	BERL E. PRIEBE
	ARTHUR A. SMALL, JR.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 748 passed the Senate on April 5, 1982.

ARTHUR A. SMALL, JR.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	116	Natural Resources
S. C.R.	117	Agriculture
H.F.	2473	Agriculture

REPORT OF COMMITTEE MEETING

COMMERCE

Convened: April 5, 1982, 10:40 a.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Craft, DeKoster, Priebe and Rush.

Members Absent: Deluhery, Ranking Member; Comito, Jensen and Husak.

Other Committee Business: Approved LSB 4087S69, a proposal regarding procedures for financial institutions, to be sponsored by the majority and minority floor leaders.

Adjourned: 10:45 a.m.

PETITIONS

The following petitions were presented and placed on file by:

Senator Rush from one hundred twenty residents of Linn County opposing legislation to raise child support payments according to the cost of living.

Senator Craft from one hundred seventy-nine residents of Poweshiek and Pottawattamie Counties favoring legislation for the protection of Iowa prairie lands.

AMENDMENTS FILED

S—5466	H.F.	2398	Dale L. Tieden
S—5467	H.F.	2369	Mick Lura Gary Baugher
S—5468	H.F.	2363	Arne Waldstein
S—5469	H.F.	2363	Arne Waldstein
S—5470	H.F.	2369	Joe Brown
S—5471	H.F.	2355	Bob Rush
S—5472	H.F.	2218	Joe Brown
S—5473	H.F.	2369	Bob Rush
S—5474	H.F.	2369	Bob Rush
S—5475	H.F.	2369	Bob Rush
S—5476	H.F.	2369	A.R. Bud Kudart

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:43 p.m., until 9:00 a.m., Tuesday, April 6, 1982.

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 6, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Honorable Joe Gross, member of the House from Ringgold County, Mount Ayr, Iowa.

The Journal of Monday, April 5, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan B. Vasher, D.O., Ida Grove, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Schwengels for the day on request of Senator Hultman; Senators Hutchins and Kinley for the day on request of Senator Junkins.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 2, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 464, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission.

Senate File 2195, a bill for an act relating to financial transactions involving the payment of interest.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 119

By: Brown, Drake, Briles, Craft, Carney, Waldstein,
Dreeszen, Wells, Kinley, Anderson, Husak, Coleman,
Gallagher, Readinger, Palmer, Gratias, Tieden, Bisenius,
Goodwin, Taylor, Carr, A. Miller, C. Miller, Junkins,
Baugher, Vande Hoef, Doyle, Priebe

1 *Whereas*, there is an increasing reluctance on the
2 part of academic and university libraries to loan
3 materials to public libraries through the interlibrary
4 loan network known as ILITE, and academic and
5 university libraries presently participating within
6 ILITE are questioning their ability to maintain
7 membership in the present system unless a new payment
8 structure is implemented, and there is a lack of
9 leadership and productive discussion which would lead
10 to the resolution of this potential problem; and
11 *Whereas*, conflicts between the state library
12 commission and the regional library system has caused
13 problems with coordination of services to public
14 libraries and has engendered a deep distrust between
15 the agencies which also affects the delivery of
16 services to public libraries; and
17 *Whereas*, a proposal to develop a statewide multitype
18 regional library system has met resistance from every
19 type of library that would be included, and cooperation
20 between various types of libraries has been thwarted
21 due to a lack of leadership; and
22 *Whereas*, public access to libraries is gradually
23 being reduced because libraries such as Iowa City
24 public library, Newton public library, Waterloo public
25 library, Des Moines public library, and West Des
26 Moines public library have established fees for access
27 to citizens living outside local municipalities, and
28 this movement may eventually restrict access to all
29 types of libraries across the state of Iowa; and
30 *Whereas*, a recent survey of public libraries

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1 conducted by the state library commission of Iowa
2 showed that state aid to public libraries is a top
3 priority for funding to public libraries and proposals
4 to address this issue as well as the present crisis
5 in federal funding faced by the state library
6 commission and the regional library system have not
7 been presented to and addressed by the legislature;

8 and

9 *Whereas*, the need for the development of support
10 services to public libraries has been evident for
11 several years yet has not been accompanied by a
12 mechanism for funding these types of services; and

13 *Whereas*, there appears to be a general lack of
14 leadership or direction in the public library field
15 within the state of Iowa, and the need for additional
16 funding, the potential for restricting access to the
17 public, the problem of intergovernmental jurisdictional
18 disputes, and the inability of various different types
19 of libraries to form working relationships are sound
20 reasons for the legislature to consider this topic;

21 *Now Therefore*,

22 *Be It Resolved by the Senate, the House Concurring*,
23 That the legislative council is urged to establish
24 an interim committee composed of members of both
25 political parties and both houses to examine the
26 existing problems confronting the delivery of services
27 to and by public libraries within the state of Iowa
28 and

29 *Be It Further Resolved*, That the committee examine
30 all areas of conflict and problems with the delivery

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- 1 of services, and recommend solutions to those problems,
- 2 including the possible restructuring of organizations
- 3 and agencies, and the determination of areas of
- 4 responsibility for the deliverance of the services.

Read first time and referred to the committee on Rules and Administration.

REPORT OF THE 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 on April 6, 1982:

H.F. 2460
H.F. 2463
H.F. 2218
H.F. 2353
H.F. 303
H.F. 2388
H.F. 2111
H.F. 2360
H.F. 2426
H.F. 2437

H.F. 2344
H.F. 2371
H.F. 2441
H.F. 744
H.F. 2439
H.F. 2448
H.F. 2387
H.F. 2464
H.F. 2374
H.F. 2442
H.F. 2446
H.F. 2453
H.F. 2461

CALVIN O. HULTMAN, Chair

CONSIDERATION OF BILL
(Steering Calendar)

House File 2460

On motion of Senator Murray, House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in

certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Murray offered amendment S—5460 filed by the committee on Judiciary on April 2, 1982, to pages 2, 4 and 6 of the bill.

Senator Lura called for a division of amendment S—5460: lines 3 and 4 as division S—5460A and lines 5 through 34 as division S—5460B.

Senator Murray moved the adoption of division S—5460A.

A record roll call was requested.

On the question "Shall division S—5460A be adopted?" (H.F. 2460) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Anderson	Brown	Carr	Coleman
DeKoster	Deluhery	Doyle	Gentleman
Hester	Holden	Miller, A.V.	Murray
Nystrom	Readinger	Rush	Slater
Small	Van Gilst	Wells	

Nays, 25:

Baughner	Bisenius	Briles	Carney
Craft	Drake	Dreeszen	Goodwin
Gratias	Hulse	Hultman	Husak
Jensen	Junkins	Kudart	Lura
Miller, C.P.	Palmer	Priebe	Rodgers
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Absent or not voting, 6:

Comito	Gallagher	Hutchins	Kinley
Ramsey	Schwengels		

Division S—5460A lost.

Senator Murray called for a further division of amendment S—5460: lines 5 through 17 as division S—5460B and lines 18 through 34 as division S—5460C.

Senator Murray moved the adoption of division S—5460B.

A non record roll call was requested.

The ayes were 37, nays 8.

Division S—5460B was adopted.

Senator Murray moved the adoption of division S—5460C, which motion prevailed by a voice vote.

With the adoption of division S—5460C, the Chair ruled amendment S—5450 filed by Senator Rush on April 1, 1982, to page 6 of the bill, out of order.

Senator Small offered amendment S—5480 filed by him from the floor to page 1 of the bill.

Senator Small asked and received unanimous consent that action on amendment S—5480 be deferred.

Senator Gentleman offered amendment S—5481 filed by Senators Gentleman and Carr from the floor to pages 7 and 8 of the bill.

Senator Rush called for a division of amendment S—5481: lines 3 and 4 as division S—5481A; lines 5 and 6 as division S—5481B; lines 7 through 9 as division S—5481C.

Senator Gentleman asked and received unanimous consent that action on divisions S—5481A, S—5481B and S—5481C be deferred.

Senator Ramsey offered amendment S—5483 filed by him from the floor to page 5 of the bill and moved its adoption.

Amendment S—5483 was adopted by a voice vote.

Senator Murray asked and received unanimous consent that further action on **House File 2460**, amendment S—5480 and divisions S—5481A, 5481B and 5481C be deferred.

UNFINISHED BUSINESS
(Deferred April 5, 1982)

House File 2382

The Senate resumed consideration of House File 2382, a bill for an act relating to the identification of the location of wells, deferred on April 5, 1982.

Senator Brown took the chair at 10:55 a.m.

Senator Goodwin moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2382) the vote was:

Ayes, 40:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Hester	Hultman	Husak	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 6:

Gentleman	Gratias	Holden	Hulse
Jensen	Priebe		

Absent or not voting, 4:

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

CONSIDERATION OF BILL
(Steering Calendar)

House File 2218

On motion of Senator Drake, House File 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty, with report of committee on State Government recommending amendment and the bill without recommendation, was taken up for consideration.

Senator Drake asked and received unanimous consent that further action on **House File 2218** be **deferred** and that the bill be placed on the calendar under **unfinished business**.

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

The Senate resumed session, President Branstad presiding.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:35 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Carney presiding.

INTRODUCTION OF BILL

Senate File 2300, by Hultman and Junkins, a bill for an act relating to the regulation of financial institutions.

Read first time and referred to the committee on **Commerce**.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 32 present, 18 absent and a quorum present.

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

The Senate resumed session, Senator Carney presiding.

UNFINISHED BUSINESS
(Deferred April 5, 1982)

House File 2369

The Senate resumed consideration of House File 2369, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, deferred on April 5, 1982.

Senator Kudart asked and received unanimous consent that Donald R. Mason, Executive Director of the Prosecuting Attorneys Training Coordinator Council of the Department of Justice, be permitted in the Senate chamber during debate of House File 2369.

Senator Kudart offered amendment S—5448 filed by the committee on Judiciary on April 1, 1982, to pages 2 through 6, 8, 10, 12, and 14 through 16 of the bill.

Senator Lura called for a division of amendment S—5448 as follows:

Division S—5448A: page 1, lines 3 and 4.

Division S—5448B: page 1, lines 5 through 8.

Division S—5448C: page 1, lines 13 through 23.

Division S—5448D: page 1, lines 24 through 33.

Division S—5448E: page 1, lines 34 through 36.

Division S—5448F: page 1, lines 37 through 39.

Division S—5448G: page 1, lines 40 through 50; page 2, lines 1 through 18.

Division S—5448H: page 2, line 19.

Division S—5448I: page 2, line 20.

Division S—5448J: page 2, lines 21 through 25.

Division S—5448K: page 2, lines 26 and 27.

Division S—5448L: page 1, lines 9 through 12; page 2, lines 28 through 37.

Division S—5448M: page 2, lines 38 and 39.

Senator Kudart moved the adoption of division S—5448A.

A non record roll call was requested.

The ayes were 29, nays 14.

Division S—5448A was adopted.

Senator Kudart moved the adoption of division S—5448B, which motion prevailed by a voice vote.

Senator Lura offered amendment S—5467 filed by Senators Lura and Baugher on April 5, 1982, to division S—5448C and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5467 to division S—5448C be adopted?" (H.F. 2369) the vote was:

Ayes, 16:

Baugher	Bisenius	Brown	Craft
Drake	Gratias	Hultman	Jensen
Lura	Miller, A.V.	Miller, C.P.	Priebe
Taylor	Tieden	Vande Hoef	Van Gilst

Nays, 30:

Anderson	Briles	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Holden	Hulse
Husak	Junkins	Kudart	Murray
Nystrom	Palmer	Ramsey	Readinger
Rodgers	Rush	Slater	Small
Wells	Yenger		

Absent or not voting, 4:

Hutchins	Kinley	Schwengels	Waldstein
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Amendment S—5467 lost.

Senator Kudart offered amendment S—5489 filed by him from the floor to division S—5448C and moved its adoption.

Amendment S—5489 was adopted by a voice vote.

President Branstad took the chair at 1:48 p.m.

Senator Kudart moved the adoption of division S—5448C, as amended.

A non record roll call was requested.

The ayes were 33, nays 12.

Division S—5448C, as amended was adopted.

Senator Kudart moved the adoption of division S—5448D.

A non record roll call was requested.

The ayes were 31, nays 16.

Division S—5448D was adopted.

Senator Rush offered amendment S—5475 filed by him on April 5, 1982, to division S—5448E.

A non record roll call was requested.

The ayes were 37, nays 7.

Amendment S—5475 was adopted.

Senator Kudart moved the adoption of division S—5448E, as amended.

A non record roll call was requested.

The ayes were 34, nays 12.

Division S—5448E, as amended, was adopted.

Senator Kudart moved the adoption of division S—5448F, which motion prevailed by a voice vote.

Senator Kudart moved the adoption of division S—5448G, which motion prevailed by a voice vote.

Senator Kudart moved the adoption of division S—5448H, which motion prevailed by a voice vote.

Senator Baugher offered amendment S—5486 filed by him from the floor to division S—5448I.

Senator Baugher asked and received unanimous consent that action on division S—5448I and amendment S—5486 to division S—5448I be deferred.

Senator Carney took the chair at 2:58 p.m.

Senator Kudart moved the adoption of division S—5448J.

A record roll call was requested.

On the question “Shall division S—5448J be adopted?” (H.F. 2369) the vote was:

Ayes, 17:

Anderson	Briles	Carney	Carr
Coleman	DeKoster	Deluhery	Doyle
Gallagher	Hulse	Kudart	Palmer
Ramsey	Readinger	Rush	Slater
Small			

Nays, 29:

Baugher	Bisenius	Brown	Comito
Craft	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hultman	Husak	Jensen	Junkins
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Rodgers	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Absent or not voting, 4:

Hutchins	Kinley	Murray	Schwengels
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Division S—5448J lost.

Senator Kudart moved the adoption of division S—5448K.

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.

Division S—5448K was adopted.

Senator Baugher offered amendment S—5484 filed by him from the floor to division S—5448L and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5484 to division S—5448L be adopted?” (H.F. 2369) the vote was:

Ayes, 28:

Baugher	Bisenius	Brown	Carney
Comito	Craft	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Holden
Hultman	Husak	Jensen	Junkins
Lura	Miller, A.V.	Nystrom	Palmer
Priebe	Readinger	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, 19:

Anderson	Briles	Carr	Coleman
DeKoster	Deluhery	Doyle	Gallagher
Hester	Hulse	Kudart	Miller, C.P.
Murray	Ramsey	Rodgers	Rush
Slater	Small	Wells	

Absent or not voting, 3:

Hutchins	Kinley	Schwengels
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Amendment S—5484 was adopted.

Senator Kudart moved the adoption of division S—5448L as amended, which motion prevailed by a voice vote.

Senator Rush offered amendment S—5474 filed by him on April 5, 1982, to division S—5448M and moved its adoption.

Amendment S—5474 was adopted by a voice vote.

Senator Kudart moved the adoption of division S—5448M, as amended, which motion prevailed by a voice vote.

Senator Yenger offered amendment S—5290 filed by Senators Yenger, Holden and Slater on March 17, 1982, to pages 1, 14, 15 and the title page of the bill.

Senator DeKoster raised the point of order that amendment S—5290 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5290 out of order.

Senator Kudart offered amendment S—5476 filed by him on April 5, 1982, to pages 1 through 8 and 12 through 14 of the bill and called for a division of the amendment as follows:

Division S—5476A: Page 1, lines 3 through 29 and lines 47 through 50; page 2, lines 1 and 2 and lines 6 through 20.

Division S—5476B: Page 1, lines 30 through 46; page 2, lines 3 through 5.

Action on divisions S—5476A and S—5476B was temporarily deferred.

The Senate resumed consideration of division S—5448I and amendment S—5486 to division S—5448I, previously deferred.

Senator Small withdrew amendment S—5495 filed by him from the floor to division S—5448I.

Senator Small offered amendment S—5498 filed by him from the floor to division S—5448I and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 17.

Amendment S—5498 was adopted.

With the adoption of amendment S—5498 to division S—5448I, the Chair ruled amendment S—5486 by Senator Baugher to division S—5448I, previously deferred, out of order.

Senator Kudart moved the adoption of division S—5448I, as amended.

A non record roll call was requested.

The ayes were 37, nays 9.

Division S—5448I, as amended, was adopted.

Senator Kudart called for a further division of amendment S—5476 to pages 1 through 8 and 12 through 14 of the bill, previously deferred:

Division S—5476A: Page 1, lines 3 through 10, lines 25 through 29 and lines 47 through 50; page 2, lines 1 and 2 and lines 6 through 20.

Division S—5476B: Page 1, lines 30 through 46; page 2, lines 3 through 5.

Division S—5476C: Page 1, lines 11 through 24.

Senator Kudart moved the adoption of division S—5476A, which motion prevailed by a voice vote.

Senator Kudart moved the adoption of division S—5476B.

A non record roll call was requested.

The ayes were 30, nays 15.

Division S—5476B was adopted.

Senator Kudart withdrew division S—5476C.

With the withdrawal of division S—5476C, the Chair ruled amendment S—5494 filed by Senators Carr and DeKoster from the floor to division S—5476C, out of order.

Senator Lura offered amendment S—5488 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 35, nays 8.

Amendment S—5488 was adopted.

Senator Kudart offered amendment S—5501 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5501 was adopted by a voice vote.

Senator Carr offered amendment S—5499 filed by Senators Carr and DeKoster from the floor to page 3 of the bill and moved its adoption.

Amendment S—5499 was adopted by a voice vote.

Senator Brown offered amendment S—5470 filed by him on April 5, 1982, to page 4 of the bill.

Senator Briles raised the point of order that amendment S—5470 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5470 in order.

Senator Brown moved the adoption of amendment S—5470.

A record roll call was requested.

On the question “Shall amendment S—5470 be adopted?” (H.F. 2369) the vote was:

Ayes, 2:

Bisenius	Brown
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Nays, 42:

Anderson	Baughner	Briles	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Wells	Yenger		

Absent or not voting, 6:

Hutchins	Kinley	Murray	Nystrom
Schwengels	Vande Hoef		

Amendment S—5470 lost.

Senator Husak offered amendment S—5493 filed by Senators Husak and Brown from the floor to page 4 of the bill.

Senator Comito offered amendment S—5502 filed by him from the floor to amendment S—5493 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5502 to amendment S—5493 be adopted?" (H.F. 2369) the vote was:

Ayes, 35:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Comito	Craft
DeKoster	Doyle	Drake	Dreeszen
Gratias	Holden	Hultman	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Murray	Palmer	Priebe	Ramsey
Rodgers	Rush	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 10:

Briles	Coleman	Deluhery	Gallagher
Gentleman	Goodwin	Hester	Hulse
Husak	Readinger		

Absent or not voting, 5:

Hutchins	Kinley	Miller, C.P.	Nystrom
Schwengels			

Amendment S—5502 was adopted.

Senator Husak moved the adoption of amendment S—5493 as amended and requested a record roll call.

On the question "Shall amendment S—5493 as amended be adopted?" (H.F. 2369) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Anderson	Baughner	Bisenius	Brown
Comito	Craft	Dreeszen	Gratias

Hultman	Husak	Jensen	Lura
Miller, A.V.	Miller, C.P.	Priebe	Rodgers
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 23:

Briles	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Gallagher	Gentleman	Goodwin	Hester
Holden	Hulse	Junkins	Kudart
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Slater	

Absent or not voting, 3:

Hutchins	Kinley	Schwengels
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Amendment S—5493, as amended, was adopted.

Senator Hultman asked and received unanimous consent that further action on **House File 2369** be **deferred** and that the bill be placed on the calendar under **unfinished business**.

BILL REFERRED TO COMMITTEE

The Chair announced that **House File 2342** was referred from the Regular Calendar to the committee on **Appropriations** under Senate Rule 37.

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 April, 1982:

Senate Files 454, 535, 2157, 2182, 2209, 2210 and 2282.

K. MARIE THAYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 6, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 24—Relating to the requirement that plans and specifications for new health care facilities and remodeling of or additions to existing health care facilities be submitted to the Department of Health for preliminary inspection and approval or recommendations.

S.F. 536—Relating to multidisciplinary team access to child abuse information.

S.F. 2086—Exempting individual farm owner accounts from examination by the Iowa Real Estate Commission.

S.F. 2097—Allowing the certification of floor plans for a building as required under Chapter 499B by a registered land surveyor.

S.F. 2163—Relating to the performance of unpaid community service by defendants convicted of crimes.

S.F. 2197—Relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody.

S.F. 2201—To authorize the State Department of Transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

H.F. 2356 Commerce

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S—5448J to House File 2369 failed to be adopted by the Senate on April 6, 1982.

BERL E. PRIEBE

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES**

Convened: April 5, 1982, 12:20 p.m.

Members Present: Waldstein, Chair; Brown and Vande Hoef.

Members Absent: Slater, Ranking Member (excused) and Craft.

Other Committee Business: Finalized action on intent language for FY '83.

Adjourned: 1:07 p.m.

COMMERCE

Convened: April 6, 1982, 1:15 p.m.

Members Present: Holden, Chair; Baugher, Vice Chair; Comito, Craft, DeKoster and Husak.

Members Absent: Deluhery, Ranking Member; Jensen, Priebe and Rush.

Final Bill Action: SENATE FILE 2300, a bill for an act relating to the regulation of financial institutions.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Holden, Baugher, Comito, Craft, DeKoster and Husak. Nays, none. Absent or not voting, 4: Deluhery, Jensen, Priebe and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:17 p.m.

PRESENTATION OF VISITORS

Senator Deluhery presented Chris Schulz from Berlin, West Germany, a visitor to Des Moines from the Friendship Force.

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

Fifty-two students from Logan-Magnolia School District, Magnolia, Iowa, accompanied by Becky Freemyer, Jim Rider and Lowell Arps. Senator Hester.

Five students from Unity Christian High School, Orange City, Iowa, accompanied by Gary Regnerus. Senator DeKoster.

Forty students, members of the Campfire Girls from Coralville and Iowa City, Iowa, accompanied by Mrs. Swensen. Senator Small.

Forty students, members of the Campfire Girls from Tipton and Solon, Iowa, accompanied by Nancy Regennitter. Senators Hulse and Kudart.

Twenty preschool students from Wilson Preschool, Des Moines, Iowa, accompanied by Jeannette Wegner. Senator Brown.

Thirty-six students from St. John School, Bancroft, Iowa, accompanied by Madeline Summitt. Senator Priebe.

AMENDMENTS FILED

S—5477	S. F.	464	House Amendment
S—5478	S. F.	2195	House Amendment
S—5479	S. F.	2098	County Government Committee
S—5480	H.F.	2460	Arthur A. Small, Jr.
S—5481	H.F.	2460	Julia Gentleman Bob Carr
S—5482	H.F.	2369	Sue Yenger Edgar H. Holden Tom Slater
S—5483	H.F.	2460	Dick Ramsey
S—5484	H.F.	2369	Gary L. Baugher

S-5485	H.F.	2437	Tom Slater
S-5486	H.F.	2369	Gary L. Baugher
S-5487	H.F.	2369	Mick Lura Gary L. Baugher
S-5488	H.F.	2369	Mick Lura Gary L. Baugher
S-5489	H.F.	2369	A.R. Bud Kudart
S-5490	H.F.	2460	Arthur A. Small, Jr.
S-5491	H.F.	2460	Julia Gentleman Bob Carr Bob Rush
S-5492	H.F.	2453	Arthur A. Small, Jr.
S-5493	H.F.	2369	Emil J. Husak Joe Brown
S-5494	H.F.	2369	Bob Carr Lucas J. DeKoster
S-5495	H.F.	2369	Arthur A. Small, Jr.
S-5496	S. F.	2299	Jack W. Hester
S-5497	H.F.	2374	Stephen W. Bisenius
S-5498	H.F.	2369	Arthur A. Small, Jr.
S-5499	H.F.	2369	Bob Carr Lucas J. DeKoster
S-5500	H.F.	2374	Stephen W. Bisenius
S-5501	H.F.	2369	A.R. Bud Kudart
S-5502	H.F.	2369	Richard Comito

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:45 p.m., until 9:00 a.m., Wednesday, April 7, 1982.

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 7, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Paul Lindstrom, pastor of the Advent Lutheran Church, Des Moines, Iowa.

The Journal of Tuesday, April 6, 1982, was approved.

SPECIAL GUESTS

President Branstad presented Michelle Holdorf, 1981 Sweetheart of the Shriner's International Clown's Association, of Donahue, Iowa, who was the guest of Senator Hulse.

Michelle, who was born without legs and only one arm, has received a new arm and legs from the Shriner's Crippled Children's Hospital and is a full-time sixth grader at the John Glenn School in Donahue. She was accompanied by fellow students who were winners of an essay contest on water conservation held at the John Glenn School.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 2172, a bill for an act relating to the electronic transfer of funds.

Senate File 2242, a bill for an act relating to a life insurance company's investment of funds for legal reserve purposes.

Senate File 2281, a bill for an act relating to the contract price for construction of a public improvement which requires a bond.

ALSO: That the House has on April 5, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 2203, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses.

SPECIAL ORDER

Senator Hultman asked and received unanimous consent that **Senate File 2300** be made a **special order** of business for Monday, April 12, 1982, at 1:00 p.m.

UNFINISHED BUSINESS (Deferred April 5, 1982)

House File 2398

The Senate resumed consideration of House File 2398, a bill for an act relating to a penalty for taking certain game and fish in violation of law, deferred on April 5, 1982.

Senator Tieden offered amendment S—5383 filed by the committee on Natural Resources on March 25, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5383 was adopted by a voice vote.

Senator Carr offered amendment S—5447 filed by him on April 1, 1982, to page 1 of the bill.

Senator Hutchins raised the point of order that amendment S—5447 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5447 out of order.

Senator Tieden offered amendment S—5466 filed by him on April 5, 1982, to page 1 of the bill and called for a division: lines 6 through 8 as division S—5466A; lines 12 through 16 as division S—5466B; lines 3 through 5 and lines 9 through 11 as division S—5466C.

Senator Tieden moved the adoption of division S—5466A, which motion prevailed by a voice vote.

Senator Tieden moved the adoption of division S—5466B, which motion prevailed by a voice vote.

Senator Tieden moved the adoption of division S—5466C, which motion prevailed by a voice vote.

Senator Schwengels offered amendment S—5396 filed by him on March 26, 1982, to page 1 of the bill.

Senator Junkins raised the point of order that amendment S—5396 was not germane to the bill.

Senator Junkins withdrew his point of order.

Senator Schwengels moved the adoption of amendment S—5396.

A non record roll call was requested.

The ayes were 32, nays 13.

Amendment S—5396 was adopted.

Senator Hultman asked and received unanimous consent that further action on **House File 2398** be **deferred**.

CONSIDERATION OF BILL (Steering Calendar)

Senator Hultman asked and received unanimous consent to take up out of order **House File 2353**.

House File 2353

On motion of Senator Hutchins, House File 2353, a bill for an act to establish a regulatory information service in the Iowa development commission, with report of committee recommending passage, was taken up for consideration.

Senator Hutchins moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2353) the vote was:

Ayes, 46:

Baughner	Bisenius	Briles	Brown
Carney	Carr	Coleman	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

BUSINESS PENDING

House File 2398

The Senate resumed consideration of House File 2398, previously deferred.

Senator Yenger offered amendment S—5507 filed by her from the floor to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 8, nays 37.

Amendment S—5507 lost.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2398) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, 1:

Yenger

Absent or not voting, 3:

Craft

Kinley

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 that **House File 2398** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Steering Calendar)

House File 303

On motion of Senator Vande Hoef, House File 303, a bill for an act relating to the registration of group day care home providers, with report of committee recommending passage, was taken up for consideration.

Senator Hutchins asked and received unanimous consent to withdraw amendment S—3416 to page 2 of the bill, adopted by the Senate on April 15, 1981, and reconsidered and deferred on May 1, 1981.

Senator Yenger asked and received unanimous consent to call up the motion to reconsider the vote by which amendment S—3506 to House File 303 was adopted by the Senate on April 15, 1981, filed by her on March 2, 1982, and found on page 559 of the Senate Journal.

Senator Yenger moved the adoption of the motion to reconsider, which motion prevailed by a voice vote and amendment S—3506 to page 1 of the bill, was taken up for reconsideration.

Senator Yenger asked and received unanimous consent that action on amendment S—3506 be deferred.

The motion to reconsider the vote by which amendment S—3506 to House File 303 was adopted by the Senate on April 15, 1981, filed by Senator Small on March 2, 1982, and found on page 560 of the Senate Journal, was out of order.

Senator Murray called up the motion to reconsider the vote by which amendment S—3417 to House File 303 was adopted by the Senate on April 15, 1981, filed by him on March 2, 1982, and found on page 560 of the Senate Journal.

Senator Murray moved the adoption of the motion to reconsider, which motion prevailed by a voice vote and amendment S—3417 to page 2 of the bill, was taken up for reconsideration.

Senator Hutchins asked and received unanimous consent that action on amendment S—3417 be deferred.

Senator Gentleman asked and received unanimous consent to withdraw amendment S—5083 filed by Senators Gentleman, et al., on February 10, 1982, to strike everything after the enacting clause of the bill and amendment S—5091 filed by Senator Small on February 11, 1982, to amendment S—5083.

Senator Small offered amendment S—5505 filed by Senators Small, Gentleman and Hutchins from the floor to page 2 of the bill and moved its adoption.

Amendment S—5505 was adopted by a voice vote.

Senator Miller of Des Moines offered amendment S—3626 filed by him on May 1, 1981, to page 2 of the bill and moved its adoption.

Amendment S—3626 was adopted by a voice vote.

Senator Small asked and received unanimous consent to withdraw amendment S—5193 filed by Senators Small, et al., on March 4, 1982, to page 1 of the bill.

Senator Hutchins asked and received unanimous consent to withdraw amendment S—3417 to page 2 of the bill, previously deferred.

Senator Yenger asked and received unanimous consent to withdraw amendment S—3506 to page 1 of the bill, previously deferred.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 303) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Husak	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 3:

Hultman	Taylor	Tieden
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Absent or not voting, 2:

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

House File 2388

On motion of Senator DeKoster, House File 2388, a bill for an act repealing the provision that area education agencies must obtain approval from the state board of public instruction before purchase or lease of equipment or facilities for media production or reproduction, and the requirement that area education agencies must contract with the state educational radio or television facility board for television production, television transmission, or closed circuit television transmission, with report of committee recommending passage, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2388) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Wells	Yenger		

Nays, 1:

Small

Absent or not voting, 3:

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

House File 2111

On motion of Senator Ramsey, House File 2111, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ramsey offered amendment S—5365 filed by the committee on Judiciary on March 24, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5365 was adopted by a voice vote.

Senator Anderson offered amendment S—5421 filed by him on March 31, 1982, to page 1 and to the title page of the bill.

Senator Hultman asked and received unanimous consent that further action on **House File 2111** and amendment S—5421 be **deferred**.

House File 2360

On motion of Senator Drake, House File 2360, a bill for an act to exempt travel trailers from the regulation of mobile home parks, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Drake offered amendment S—5382 filed by the committee on Human Resources on March 25, 1982, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5382 was adopted by a voice vote.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2360) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Cornito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden

Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 2:

Gallagher Miller, C.P.

Absent or not voting, 1:

Kinley

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 2111

The Senate resumed consideration of House File 2111 and amendment S—5421 by Senator Anderson, previously deferred.

Senator Ramsey offered amendment S—5511 filed by him from the floor to amendment S—5421 and moved its adoption.

Amendment S—5511 was adopted by a voice vote.

Senator Lura raised the point of order that amendment S—5421, as amended, was not germane to the bill.

The Chair ruled the point well taken and amendment S—5421 out of order.

Senator Carney took the chair at 11:33 a.m.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2111) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
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Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Kinley Rush

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 2426.

House File 2426

On motion of Senator Gentleman, House File 2426, a bill for an act relating to the procedures for involuntary commitment or treatment of substance abusers, with report of committee recommending passage, was taken up for consideration.

Senator Doyle offered amendment S—5313 filed by him on March 19, 1982, to page 19 of the bill and moved its adoption.

Amendment S—5313 was adopted by a voice vote.

Senator Kudart offered amendment S—5431 filed by Senator Rush on March 31, 1982, to pages 21 and 22 of the bill and moved its adoption.

Amendment S—5431 was adopted by a voice vote.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2426) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Briles	Hester	Holden	Kinley
Miller, A.V.	Miller, C.P.	Rodgers	Rush

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

RECESS

On motion of Senator Hultman, the Senate recessed at 11:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

CONSIDERATION OF BILLS (Steering Calendar)

House File 2463

On motion of Senator Tieden, House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tieden asked and received unanimous consent that further action on **House File 2463** be deferred.

House File 2437

On motion of Senator Vande Hoef, House File 2437, a bill for an act to assure the continuation of human service programs delivered by community action agencies, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Vande Hoef offered amendment S—5404 filed by the committee on Human Resources on March 29, 1982, to pages 1 through 5 of the bill.

Senator Murray called for a division of amendment S—5404: lines 3 through 19 and lines 22 through 32 as division S—5404A; lines 20 and 21 as division S—5404B.

Senator Vande Hoef moved the adoption of division S—5404A, which motion prevailed by a voice vote.

Senator Murray asked and received unanimous consent that action on division S—5404B be deferred.

Senator Slater offered amendment S—5485 filed by him on April 6, 1982, to pages 4 and 5 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 27.

Amendment S—5485 lost

Senator Murray offered amendment S—5350 filed by him on March 23, 1982, to page 4 of the bill.

Senator Murray offered amendment S—5432 filed by him on March 31, 1982, to amendment S—5350 and moved its adoption.

Amendment S—5432 was adopted by a voice vote.

President Branstad took the chair at 2:00 p.m.

Senator Murray moved the adoption of amendment S—5350, as amended.

A non record roll call was requested.

The ayes were 34, nays 11.

Amendment S—5350, as amended, was adopted.

With the adoption of amendment S—5350 as amended, the Chair ruled division S—5404B to pages 1 through 5 of the bill, previously deferred, out of order.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2437) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 4:

Comito	Drake	Gallagher	Holden
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Absent or not voting, 2:

Kinley Palmer

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

House File 2344

On motion of Senator Deluhery, House File 2344, a bill for an act relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Deluhery offered amendment S—5424 filed by the committee on Judiciary on March 31, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5424 was adopted by a voice vote.

Senator Kudart offered amendment S—5165 filed by him on March 2, 1982, to page 1 of the bill.

Senator Taylor raised the point of order that amendment S—5165 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5165 out of order.

Senator Deluhery moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2344) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers

Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Kudart

Absent or not voting, 2:

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

House File 2371

On motion of Senator Schwengels, House File 2371, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2371) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

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

House File 2441

On motion of Senator Vande Hoef, House File 2441, a bill for an act requiring the department of social studies to study and recommend a proposal relating to elderly independent group homes, with report of committee recommending passage, was taken up for consideration.

Senator Vande Hoef moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2441) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

House File 744

On motion of Senator Ramsey, House File 744, a bill for an act relating to pre-trial and post-trial criminal procedures, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ramsey asked and received unanimous consent that further action on **House File 744** be **deferred** and that the bill be placed on the calendar under **unfinished business**.

House File 2439

On motion of Senator Palmer, House File 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons, with report of committee recommending passage, was taken up for consideration.

Senator Ramsey offered amendment S—5514 filed by him from the floor to page 1 of the bill.

Senator Palmer asked and received unanimous consent that further action on **House File 2439** and amendment S—5514 be **deferred** and that the bill be placed on the calendar under **unfinished business**.

House File 2448

On motion of Senator Miller of Cerro Gordo, House File 2448, a bill for an act relating to the procedures for suspension or cancellation of a grain dealer or grain warehouse license, with report of committee recommending passage, was taken up for consideration.

Senator Miller of Cerro Gordo moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2448) the vote was:

Ayes, 47:

- | | | | |
|--------------|--------------|----------|-----------|
| Anderson | Baughner | Bisenius | Briles |
| Brown | Carney | Carr | Coleman |
| Comito | Craft | DeKoster | Deluhery |
| Doyle | Drake | Dreeszen | Gallagher |
| Gentleman | Goodwin | Hester | Holden |
| Hulse | Hultman | Husak | Hutchins |
| Jensen | Junkins | Kudart | Lura |
| Miller, A.V. | Miller, C.P. | Murray | Nystrom |
| Palmer | Priebe | Ramsey | Readinger |

Rodgers
Taylor
Waldstein

Rush
Tieden
Wells

Schwengels
Vande Hoef
Yenger

Small
Van Gilst

Nays, none.

Absent or not voting, 3:

Gratias

Kinley

Slater

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

House File 2387

On motion of Senator Briles, House File 2387, a bill for an act relating to county government by making amendments which are required for accuracy or to reconcile the county home rule Act and other laws or to implement the legislative intent of the county home rule Act, with report of committee recommending passage, was taken up for consideration.

Senator Gallagher asked unanimous consent that further action on House File 2387 be deferred.

Senator Gallagher withdrew his request.

Senator Junkins raised a point of order that House File 2387 should be referred to the committee on Ways and Means under Senate Rule 37.

The Chair stated he would take the point under advisement and rule at a later time after he had the opportunity to consult with the Legislative Service Bureau.

Action on **House File 2387** was temporarily deferred.

House File 2464

On motion of Senator Baugher, House File 2464, a bill for an act relating to the Iowa small business loan program, with report of committee recommending passage, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that further action on **House File 2464** be deferred.

House File 2374

On motion of Senator Kudart, House File 2374, a bill for an act relating to escape from a detention facility or institution and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Bisenius offered amendment S—5454 filed by him on April 1, 1982, to the title page of the bill.

Senator DeKoster raised the point of order that amendment S—5454 was not germane to the bill.

Senator DeKoster withdrew his point of order.

Senator DeKoster asked and received unanimous consent that further action on **House File 2374** be **deferred**.

POINT OF ORDER WITHDRAWN (House File 2387)

Senator Junkins withdrew his point of order previously raised that House File 2387 should be referred to the committee on Ways and Means under Senate Rule 37.

BUSINESS PENDING

House File 2387

The Senate resumed consideration of House File 2387, previously deferred.

Senator Briles moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2387) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Hester	Holden	Hulse	Hultman

Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Gentleman	Gratias	Kinley
Miller, A.V.	Murray		

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)

House File 2442

On motion of Senator Small, House File 2442, a bill for an act relating to custody of children upon dissolution of marriage, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Carney took the chair at 3:48 p.m.

Senator Small offered amendment S—5446 filed by the committee on Judiciary on April 1, 1982, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5446 was adopted by a voice vote.

Senator Small moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2442) the vote was:

Ayes, 44:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin

Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Baughner	Gentleman	Gratias	Kinley
Miller, A.V.	Murray		

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

House File 2453

On motion of Senator Doyle, House File 2453, a bill for an act relating to the dollar limitation on the administration of certain small estates, with report of committee recommending passage, was taken up for consideration.

Senator Small offered amendment S—5492 filed by him on April 6, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5492 was adopted by a voice vote.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2453) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Goodwin
Hester	Holden	Hulse	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Drake	Gentleman	Gratias	Hultman
Kinley	Miller, A.V.	Miller, C.P.	Murray

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

House File 2461

On motion of Senator DeKoster, House File 2461, a bill for an act relating to group insurance coverage for county extension office assistants, with report of committee recommending passage, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2461) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

BUSINESS PENDING

House File 2374

The Senate resumed consideration of House File 2374 and amendment S—5454, previously deferred.

Senator Bisenius asked and received unanimous consent to withdraw amendment S—5454 to the title page of the bill, previously deferred.

Senator Bisenius withdrew amendments S—5497 and S—5500 filed by him on April 6, 1982, to page 1 of the bill.

Senator Bisenius offered amendment S—5520 filed by him from the floor to page 1 and to the title page of the bill.

Senator Coleman asked unanimous consent that action on amendment S—5520 be deferred.

Senator Coleman withdrew his request.

Senator Bisenius moved the adoption of amendment S—5520 and requested a record roll call.

On the question "Shall amendment S—5520 be adopted?" (H.F. 2374) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Anderson	Bisenius	Brown	Craft
Dreeszen	Jensen	Junkins	Kudart
Lura	Miller, C.P.	Nystrom	Priebe
Ramsey	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 27:

Briles	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Gallagher	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Miller, A.V.	Murray
Palmer	Readinger	Rodgers	Rush
Slater	Small	Yenger	

Absent or not voting, 3:

Baughner Gratias Kinley

Amendment S—5520 lost.

Senator Comito asked unanimous consent that further action on House File 2374 be deferred.

Senator Comito withdrew his request.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2374) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Goodwin	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 4:

Coleman Comito Gentleman Holden

Absent or not voting, 4:

Gallagher Gratias Kinley Palmer

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 4:40 p.m.

CONSIDERATION OF BILL (Steering Calendar)

House File 2446

On motion of Senator Gentleman, House File 2446, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gentleman asked unanimous consent to withdraw amendment S—5453 filed by the committee on Human Resources on April 1, 1982, to page 2 of the bill.

Objection was raised by Senator Rush.

Senator Junkins asked and received unanimous consent that further action on House File 2446 and amendment S—5453 be deferred.

BUSINESS PENDING

House File 2439

The Senate resumed consideration of House File 2439 and amendment S—5514, previously deferred.

Senator Ramsey moved the adoption of amendment S—5514.

A record roll call was requested.

On the question "Shall amendment S—5514 be adopted?" (H.F. 2439) the vote was:

Ayes, 28:

Anderson	Baughner	Bisenius	Carney
Carr	Coleman	Comito	DeKoster
Doyle	Dreeszen	Gentleman	Goodwin
Hester	Holden	Hulse	Kudart
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Slater	Small
Taylor	Vande Hoef	Van Gilst	Waldstein

Nays, 19:

Briles	Brown	Craft	Deluhery
Drake	Hultman	Husak	Hutchins
Jensen	Junkins	Lura	Miller, A.V.
Miller, C.P.	Priebe	Rodgers	Schwengels
Tieden	Wells	Yenger	

Absent or not voting, 3:

Gallagher Gratias Kinley

Amendment S—5514 was adopted.

With the adoption of amendment S—5514, the Chair ruled amendment S—5522 filed by Senator Ramsey from the floor to page 1 of the bill, out of order.

Senator Palmer moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2439) the vote was:

Ayes, 41:

Anderson	Bisenius	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Hester
Hulse	Hultman	Husak	Jensen
Junkins	Kudart	Lura	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 6:

Baughner	Briles	Holden	Hutchins
Miller, A.V.	Tieden		

Absent or not voting, 3:

Gallagher Gratias Kinley

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 120

By: Drake

- 1 *Whereas*, the Sixty-ninth General Assembly enacted
- 2 Senate File 456 which directed the state department of

3 transportation, in conjunction with the county boards
4 of supervisors to conduct a study to determine the size
5 of the primary and secondary road systems in this state;
6 and

7 *Whereas*, the state department of transportation
8 established a committee consisting of members of the
9 general assembly and representatives of the department,
10 counties, and cities to conduct the study during the 1981
11 interim; and

12 *Whereas*, the committee developed three alternative
13 plans regarding the size of the primary and secondary
14 road systems in this state; *Now Therefore*,

15 *Be It Resolved by the Senate, the House Concurring*,
16 That the legislative council is requested to appoint an
17 interim study committee consisting of members of the
18 Senate and House standing committees on transportation
19 to study the alternative proposals relating to the size
20 of the primary and secondary road systems for the state;
21 and

22 *Be It Further Resolved*, That the study committee shall
23 report its findings and recommendations, including legis-
24 lative bill drafts necessary to implement its recommenda-
25 tions, to the legislative council and the general assembly
26 meeting in 1983.

Read first time and referred to the committee on Rules and Administration.

APPENDIX**STUDY BILL RECEIVED**

S.S.B. 2263 Social Services Appropriations Subcommittee
Social Services appropriations for fiscal year 1983.

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate on Wednesday, April 7, 1982, when the final vote was taken on House File 2388.

Had I been present, I would have voted "aye" on this bill.

ARTHUR L. GRATIAS

MR. PRESIDENT: I was necessarily absent from the Senate on April 5 and 6, 1982, when the following bills were passed: House Files 2355, 2372, 2373, 2378, 2379, 2382, 2390, 2394, 2399, 2403, 2407, 2411, 2422, 2431 and 2432.

Had I been present, I would have voted "aye" on these bills.

C.W. BILL HUTCHINS

MR. PRESIDENT: Due to the weather, I was unable to be present in the Senate on April 5, 1982.

Had I been present, I would have voted "aye" on the following bills: House Files 748, 2355, 2372, 2373, 2378, 2379, 2390, 2394, 2399, 2403, 2407, 2411, 2422, 2431 and 2432.

NORMAN RODGERS

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 58, I hereby request that the name of Wayne W. Gieselman be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BOB CARR

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5493 to House File 2369 was adopted by the Senate on April 6, 1982.

ARTHUR A. SMALL, JR.

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES**

Convened: April 6, 1982, 12:30 p.m.

Members Present: Yenger, Chair; Husak, Ranking Member; Readinger, Kudart and A. Miller.

Members Absent: none.

Other Committee Business: Approved amendments to final appropriations bill.

Adjourned: 1:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN RESOURCES

Convened: April 6, 1982, 6:00 p.m.

Members Present: Yenger, Chair; Readinger, Kudart and A. Miller.

Members Absent: Husak, Ranking Member (excused).

Other Committee Business: Approved appropriations subcommittee bill and sent to full Appropriations Committee (Department of Health, Board of Parole, Specialized Child Health Services, Public Health Nursing Program and Substance Abuse).

Adjourned: 6:25 p.m.

PRESENTATION OF VISITORS

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

Thirty-five students from Urbandale High School, Urbandale, Iowa, accompanied by Rhonda Harwood. Senator Readinger.

Twelve foreign exchange students accompanied by Mr. & Mrs. Willard Perry of Creston, Iowa. Senators Briles and Ramsey.

Students from Gilmore City-Bradgate School, Gilmore City, Iowa, accompanied by Darlene Hudek. Senator Coleman.

AMENDMENTS FILED

S—5503	S. F.	2245	House Amendment
S—5504	S. F.	2203	House Amendment
S—5505	H.F.	303	Arthur A. Small, Jr. Julia Gentleman C.W. Bill Hutchins
S—5506	H.F.	2342	Jack W. Hester
S—5507	H.F.	2398	Sue Yenger
S—5508	S. F.	2300	Patrick J. Deluhery
S—5509	H.F.	2463	James V. Gallagher
S—5510	H.F.	2463	James V. Gallagher
S—5511	H.F.	2111	Dick Ramsey
S—5512	S. F.	2295	Mick Lura Ray Taylor William D. Palmer David M. Readinger Bass Van Gilst
S—5513	H.F.	2465	Sue Yenger Edgar H. Holden Tom Slater
S—5514	H.F.	2439	Dick Ramsey
S—5515	H.F.	2463	James V. Gallagher Dale L. Tieden
S—5516	S. F.	2295	Mick Lura
S—5517	S. F.	2299	Clarence S. Carney Bob Carr John W. Jensen Richard Vande Hoef C.W. Bill Hutchins Forrest V. Schwengels Dale L. Tieden Donald V. Doyle Tom Slater Norman Rodgers
S—5518	H.F.	2363	Ray Taylor Arne Waldstein
S—5519	H.F.	2334	Gary L. Baugher Donald V. Doyle

S—5520	H.F.	2374	Stephen W. Bisenius
S—5521	S. F.	2295	Ted Anderson
S—5522	H.F.	2439	Dick Ramsey
S—5523	H.F.	2218	Richard F. Drake
			Charles P. Miller
			Forrest V. Schwengels
			Joe Brown
			Rolf V. Craft
			John N. Nystrom
			Lowell L. Junkins
			C. Joseph Coleman
S—5524	H.F.	2363	C.W. Bill Hutchins
S—5525	H.F.	2363	C.W. Bill Hutchins
S—5526	H.F.	2090	Richard F. Drake
			John W. Jensen

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Thursday, April 8, 1982.

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 8, 1982

The Senate met in regular session at 9:30 a.m., Senator Carney presiding.

Prayer was offered by the Honorable John W. Jensen, member of the Senate from Bremer County, Plainfield, Iowa.

The Journal of Wednesday, April 7, 1982, was approved.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 460, a bill for an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society.

Senate File 578, a bill for an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election.

Senate File 2273, a bill for an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits.

ALSO: That the House has on April 6, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 276, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date.

Senate File 539, a bill for an act relating to workers' compensation and providing a penalty.

Senate File 2202, a bill for an act relating to simulated controlled substances and imitation controlled substances.

Senate File 2280, a bill for an act relating to restitution of public offenders.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Yenger for the morning on request of Senator Hultman.

CORRECTION TO SENATE JOURNAL

Senator Hultman asked and received unanimous consent that the Journal of April 5, 1982, be corrected on page 1029 to reflect that Senator Kudart gave opening remarks on House File 2339 before it was referred to the committee on Appropriations.

CONSIDERATION OF BILLS (Noncontroversial Calendar)

House File 2340

On motion of Senator Rush, House File 2340, a bill for an act to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations, with report of committee recommending passage, was taken up for consideration.

Senator Rush moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2340) the vote was:

Ayes, 46:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, none.

Absent or not voting, 4:

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

President Branstad took the chair at 9:40 a.m.

House Concurrent Resolution 130

On motion of Senator Van Gilst, House Concurrent Resolution 130, a resolution requesting milk be designated as the official state beverage of Iowa in conjunction with June as National Dairy Month, filed March 26, 1982, found on pages 992-993 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Van Gilst moved the adoption of House Concurrent Resolution 130, which motion prevailed by a voice vote.

House File 2469

On motion of Senator Drake, House File 2469, a bill for an act relating to the requirements of the state department of transportation and county officials with regard to secondary and farm-to-market highways, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2469) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Rodgers
Rush	Schwengels	Slater	Small
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, none.

Absent or not voting, 6:

Comito	Gentleman	Readinger	Taylor
Tieden	Yenger		

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

House File 2154

On motion of Senator Ramsey, House File 2154, a bill for an act to legalize a conveyance of a parcel of abandoned road by the Guthrie county board of supervisors, with report of committee recommending passage, was taken up for consideration.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2154) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery

Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, none.

Absent or not voting, 3:

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

House File 2346

On motion of Senator Ramsey, House File 2346, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ramsey offered amendment S—5449 filed by the committee on Judiciary on April 1, 1982, to page 1 of the bill.

Senator Coleman took the chair at 10:00 a.m.

Senator Ramsey moved the adoption of amendment S—5449.

A record roll call was requested.

On the question "Shall amendment S—5449 be adopted?" (H.F. 2346) the vote was:

Ayes, 38:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Goodwin	Gratias	Hester
Holden	Hulse	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Nystrom	Ramsey	Readinger

Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Wells		

Nays, 8:

Comito	Craft	Gallagher	Gentleman
Lura	Miller, C.P.	Palmer	Priebe

Absent or not voting, 4:

Hultman	Murray	Waldstein	Yenger
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Amendment S—5449 was adopted.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2346) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	

Nays, 4:

Comito	Holden	Husak	Waldstein
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Absent or not voting, 3:

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

House File 2420

On motion of Senator Carney, House File 2420, a bill for an act relating to the authority of the state board of public instruction over a school district not maintaining twelve grades, with report of committee recommending passage, was taken up for consideration.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2420) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells			

Nays, 1:

Miller, C.P.

Absent or not voting, 4:

Hultman	Murray	Van Gilst	Yenger
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2425

On motion of Senator Husak, House File 2425, a bill for an act relating to the use of municipal sewage sludge as fertilizer, with report of committee recommending passage, was taken up for consideration.

Senator Husak moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2425) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, none.

Absent or not voting, 4:

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

House File 2427

On motion of Senator Carr, House File 2427, a bill for an act to legalize the action of the board of supervisors of Dubuque county reprecincting Cascade and Whitewater townships effective upon publication, with report of committee recommending passage, was taken up for consideration.

Senator Carr moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2427) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carr	Coleman	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.

Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, 3:

DeKoster	Jensen	Priebe
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Absent or not voting, 4:

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

House File 2429

On motion of Senator Baugher, House File 2429, a bill for an act relating to the use of chapter 663A of the Code by persons convicted of, or sentenced for, a public offense, with report of committee recommending passage, was taken up for consideration.

Senator Priebe asked and received unanimous consent that further action on House File 2429 be deferred.

Senator Priebe withdrew his request.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2429) the vote was:

Ayes, 49:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells			

Nays, none.

Absent or not voting, 1:

Yenger

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

House File 2430

On motion of Senator Carr, House File 2430, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings, with report of committee recommending passage, was taken up for consideration.

Senator Rush offered amendment S—5535 filed by him from the floor to page 1 of the bill.

Senator Priebe took the chair at 11:10 a.m.

Senator Gentleman raised the point of order that amendment S—5535 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5535 in order.

Senator Rush moved the adoption of amendment S—5535, which motion prevailed by a voice vote.

Senator Small asked and received unanimous consent that further action on **House File 2430** be deferred.

House File 2454

On motion Senator Tieden, House File 2454, a bill for an act relating to the refund of fees when a mobile home park license is denied, revoked, or suspended, with report of committee recommending passage, was taken up for consideration.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2454) the vote was:

Ayes, 47:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Waldstein	Wells	

Nays, none.

Voting present, 1:

Baughner

Absent or not voting, 2:

Van Gilst Yenger

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

House File 2465

On motion of Senator Doyle, House File 2465, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the Code, with report of committee recommending passage, was taken up for consideration.

Senator Schwengels offered amendment S—5534 filed by Senators Schwengels, et al., from the floor to page 9 of the bill.

President Branstad took the chair at 11:25 a.m.

Senator Small raised the point of order that amendment S—5534 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5534 out of order.

Senator Holden offered amendment S—5513 filed by Senators Yenger, Holden and Slater on April 7, 1982, to page 7 of the bill.

Senator Comito raised the point of order that amendment S—5513 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5513 out of order.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2465) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells			

Nays, none.

Absent or not voting, 1:

Yenger

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

REPORT OF THE 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 on April 7, 1982:

- H.F. 738
- H.F. 2365
- H.F. 2457
- H.F. 2368
- H.F. 2435

CONSIDERATION OF BILLS
(Steering Calendar)

House File 738

On motion of Senator Kudart, House File 738, a bill for an act relating to the permissive catch and size limits of fish, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schwengels offered amendment S—5085 filed by the committee on Natural Resources on February 18, 1982, to page 1 of the bill.

Senator Schwengels withdrew amendment S—3510 filed by him on April 16, 1981, to page 1 of the bill.

Senator Schwengels asked and received unanimous consent to withdraw amendment S—3531 filed by Senators Goodwin and Schwengels on April 22, 1981, to amendment S—3510.

Senator Miller of Des Moines asked and received unanimous consent that further action on **House File 738** be **deferred**.

House File 2365

On motion of Senator Ramsey, House File 2365, a bill for an act relating to the testimony of a husband or wife as a witness against the other, with report of committee recommending passage, was taken up for consideration.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2365) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins

Kinley	Kudart	Lura	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 2:

Coleman	Doyle
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Absent or not voting, 4:

Gratias	Miller, A.V.	Small	Yenger
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 2457

On motion of Senator Wells, House File 2457, a bill for an act relating to the disposition of fines and forfeited bail for violations of county ordinances, with report of committee recommending passage, was taken up for consideration.

Senator Carney offered amendment S—5409 filed by Senators Carney and Doyle on March 30, 1982, to page 1 of the bill.

Senator Ramsey raised the point of order that amendment S—5409 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5409 out of order.

Senator Waldstein took the chair at 12:02 p.m.

Senator Wells moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2457) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse

Husak	Hutchins	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, 2:

DeKoster	Rush
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Absent or not voting, 5:

Comito	Hultman	Jensen	Murray
Yenger			

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

House File 2368

On motion of Senator Kudart, House File 2368, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges, with report of committee recommending passage, was taken up for consideration.

Senator Kudart asked and received unanimous consent that further action on **House File 2368** be **deferred**.

House File 2435

On motion of Senator Gentleman, House File 2435, a bill for an act relating to shooting ranges, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gentleman offered amendment S—5459 filed by the committee on Natural Resources on April 2, 1982, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5459 was adopted by a voice vote.

President Branstad took the chair at 12:30 p.m.

Senator Junkins asked and received unanimous consent that further action on **House File 2435** be **deferred**.

UNFINISHED BUSINESS
(Deferred April 6, 1982)

House File 2218

The Senate resumed consideration of House File 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty, deferred on April 6, 1982.

Senator Miller of Des Moines asked and received unanimous consent to defer action on amendment S—5472 for immediate consideration of amendment S—5391.

Senator Brown asked and received unanimous consent to defer action on amendment S—5465 for immediate consideration of amendment S—5391.

Senator Drake offered amendment S—5391 filed by the committee on State Government on March 29, 1982, to pages 1, 2 and 4 of the bill and called for a division: lines 3 through 8 as division S—5391A and lines 9 through 15 as division S—5391B.

Senator Drake moved the adoption of division S—5391A, which motion prevailed by a voice vote.

Senator Drake asked and received unanimous consent to defer action on amendment S—5434 to division S—5391B for immediate consideration of amendment S—5523 to division S—5391B.

Senator Drake offered amendment S—5523 filed by Senators Drake, et al., on April 7, 1982, to division S—5391B and moved its adoption.

Amendment S—5523 was adopted by a voice vote.

With the adoption of amendment S—5523 to division S—5391B, the chair ruled amendment S—5434 filed by Senators Drake and Palmer on March 31, 1982, to division S—5391B, previously deferred, out of order.

Senator Drake moved the adoption of division S—5391B as amended, which motion prevailed by a voice vote.

With the adoption of division S—5391B as amended, the Chair ruled the following amendments out of order:

S—5435 filed by Senator Brown on March 31, 1982, to page 4 of the bill.

S—5452 filed by Senators Drake and Palmer on April 1, 1982, to page 2 of the bill.

S—5465 filed by Senator Miller of Des Moines on April 2, 1982, to strike everything after the enacting clause of the bill, previously deferred.

S—5472 filed by Senator Brown on April 5, 1982, to strike everything after the enacting clause and to the title page of the bill, previously deferred.

Senator Miller of Des Moines withdrew the following amendments filed by him:

S—5410 filed on March 30, 1982, to page 1 of the bill.

S—5411 filed on March 30, 1982, to page 4 of the bill.

S—5437 filed on March 31, 1982, to page 4 of the bill.

S—5463 filed on April 2, 1982, to page 4 of the bill.

S—5464 filed on April 2, 1982, to pages 1 and 2 of the bill.

Senator Brown withdrew the following amendments filed by him on March 31, 1982:

S—5433 to page 4 of the bill.

S—5436 to page 3 of the bill.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2218) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester

Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Holden

Voting present, 1:

Palmer

Absent or not voting, 2:

Hulse

Nystrom

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

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2218 passed the Senate on April 8, 1982.

RICHARD F. DRAKE

MR. PRESIDENT: I move to reconsider the vote by which House File 2218 passed the Senate on April 8, 1982.

CHARLES P. MILLER

INTRODUCTION OF BILLS

Senate File 2301 by Hultman and Junkins, a bill for an act relating to the certified eligible list for promotion for city civil service.

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

Senate File 2302, by Hultman and Junkins, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

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

Senate File 2303, by Hultman and Junkins, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2298

State Government
Nystrom, Chair
Schwengels
Slater

**SENATE CONCURRENT
RESOLUTION 119**

Rules and Administration
Hultman, Chair
Junkins
Holden

HOUSE FILE 2339

Appropriations
Baugher, Chair
Junkins
Bisenius

HOUSE FILE 2342 (April 1)

Agriculture
Vande Hoef, Chair
Husak
Hester

HOUSE FILE 2342 (April 7)

Appropriations
Hultman, Chair
Baugher
Palmer

HOUSE FILE 2393

Appropriations
Waldstein, Chair
Ramsey
Rush

SSB 2261

Appropriations
Jensen, Chair
Anderson
Ramsey

SSB 2262

Ways and Means
Van Gilst, Chair
Taylor
Readinger

STUDY BILL RECEIVED

S.S.B. 2264 Appropriations

Relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2426 passed the Senate on April 7, 1982.

DICK RAMSEY

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate on April 8, 1982 when the vote on House File 2469 was taken.

Had I been present, I would have voted "aye".

DAVID M. READINGER

MR. PRESIDENT: Due to a malfunction of the electronic voting machine, my votes were not recorded on Wednesday, April 7, 1982. I voted "aye" on House Files 2387, 2442 and 2453.

ALVIN V. MILLER

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON SOCIAL SERVICES

Convened: April 7, 1982, 8:45 a.m.

Members Present: Waldstein, Chair; Brown and Vande Hoef.

Members Absent: Slater, Ranking Member and Craft (excused).

Other Committee Business: Subcommittee approved and submitted bill concerning FY '83 budget recommendations to the full Appropriations Committee.

Adjourned: 8:51 a.m.

APPROPRIATIONS

Convened: April 7, 1982, 5:10 p.m.

Members Present: Murray, Chair; Tieden, Vice Chair; Palmer, Ranking Member (arrived 5:15 p.m.); Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger.

Members Absent: none.

Final Bill Action: HOUSE FILE 2339, a bill for an act to prohibit bail following conviction of a forcible felony.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2393, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5533.

Final Vote: Ayes, 16: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Ramsey, Schwengels, Slater, Van Gilst, Waldstein and Yenger. Nays, 3: Junkins, Rush and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Considered and deferred SSB 2261.

Adjourned: 5:45 p.m.

PRESENTATION OF VISITORS

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

Thirty-five students from Urbandale High School, Urbandale, Iowa, accompanied by Ronda Harwood. Senator Readinger.

AMENDMENTS FILED

S—5526	H.F.	2090	Richard F. Drake John W. Jensen
S—5527	S. F.	539	House Amendment
S—5528	S. F.	276	House Amendment
S—5529	S. F.	2280	House Amendment
S—5530	S. F.	2202	House Amendment
S—5531	H.F.	2463	Forrest V. Schwengels
S—5532	H.F.	2463	Forrest V. Schwengels
S—5533	H.F.	2393	Appropriations Committee
S—5534	H.F.	2465	Forrest V. Schwengels Tom Slater Richard Comito Dick Ramsey
S—5535	H.F.	2430	Bob Rush
S—5536	S. F.	2300	John S. Murray Clarence S. Carney Bob Rush

			Richard Vande Hoef
			Bass Van Gilst
			Ted Anderson
S—5537	H.F.	738	Charles P. Miller
S—5538	S. F.	2295	Gary L. Baugher

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 1:25 p.m., until 1:00 p.m., Monday, April 12, 1982.

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 12, 1982

The Senate met in regular session at 1:05 p.m., President Branstad presiding.

Prayer was offered by the Reverend Ronald Feuerhak, associate pastor of the Trinity Lutheran Church, Avoca, Iowa.

The Journal of Thursday, April 8, 1982, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Carr for the afternoon session on request of Senator Junkins.

SPECIAL ORDER OF BUSINESS

The hour having arrived, the Chair announced the special order of business for the consideration of Senate File 2300.

Senate File 2300

On motion of Senator Holden, Senate File 2300, a bill for an act relating to the regulation of financial institutions, with report of committee on Commerce recommending passage, was taken up for consideration.

Senator Hutchins offered amendment S—5543 filed by Senators Hutchins, Drake and Slater from the floor to pages 16, 18 and 40 of the bill.

Senator Hutchins asked and received unanimous consent that action on amendment S—5543 be deferred.

Senator Murray offered amendment S—5536 filed by Senators Murray, et al., on April 8, 1982, to page 18 of the bill.

Senator Hutchins offered amendment S—5540 filed by him from the floor to amendment S—5536 and moved its adoption.

Amendment S—5540 was adopted by a voice vote.

Senator Hutchins offered amendment S—5539 filed by him from the floor to amendment S—5536 and moved its adoption.

Amendment S—5539 was adopted by a voice vote.

Senator Murray moved the adoption of amendment S—5536 as amended, which motion prevailed by a voice vote.

Senator DeKoster offered amendment S—5544 filed by Senators DeKoster and Brown from the floor to pages 23 and 24 of the bill, moved its adoption and requested a non record roll call.

A record roll call was requested.

On the question “Shall amendment S—5544 be adopted?” (S.F. 2300) the vote was:

Ayes, 21:

Bisenius	Briles	Brown	Carney
Coleman	Craft	DeKoster	Dreeszen
Gentleman	Goodwin	Gratias	Holden
Kudart	Nystrom	Ramsey	Rodgers
Small	Taylor	Vande Hoef	Van Gilst
Yenger			

Nays, 27:

Anderson	Baughner	Comito	Deluhery
Doyle	Drake	Gallagher	Hester
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Readinger	Rush	Schwengels	Slater
Tieden	Waldstein	Wells	

Absent or not voting, 2:

Carr	Hultman
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Amendment S—5544 lost.

Senator Lura offered amendment S—5548 filed by Senators Lura, et al., from the floor to page 18 of the bill, moved its adoption and requested a non record roll call.

A record roll call was requested.

On the question "Shall amendment S—5548 be adopted?" (S.F. 2300) the vote was:

Ayes, 15:

Gallagher	Goodwin	Gratias	Hulse
Hutchins	Jensen	Junkins	Lura
Miller, C.P.	Priebe	Rodgers	Slater
Taylor	Tieden	Waldstein	

Nays, 32:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Hester	Holden
Husak	Kinley	Kudart	Miller, A.V.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Schwengels	Small
Vande Hoef	Van Gilst	Wells	Yenger

Absent or not voting, 3:

Carr	Gentleman	Hultman
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Amendment S—5548 lost.

Senator Deluhery offered amendment S—5508 filed by him on April 7, 1982, to page 41 of the bill and moved its adoption.

Amendment S—5508 was adopted by a voice vote.

Senator Small offered amendment S—5542 filed by Senators Small and Drake from the floor to pages 6 and 14 of the bill.

Senator Holden called for a division of amendment S—5542 as follows:

Division S—5542A: Page 1, lines 2 through 41.

Division S—5542B: Page 1, lines 42 through 50; page 2, lines 1 through 19.

Division S—5542C: Page 2, lines 20 through 50 and page 3.

Senator Small moved the adoption of division S—5542A, which motion prevailed by a voice vote.

Senator Small asked and received unanimous consent to withdraw division S—5542B.

Senator Small moved the adoption of division S—5542C, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent to withdraw amendment S—5543 to pages 16, 18 and 40 of the bill, previously deferred.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2300) the vote was:

Ayes, 36:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Dreeszen	Gentleman	Hester	Holden
Husak	Hutchins	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rodgers	Rush	Slater	Small
Vande Hoef	Van Gilst	Wells	Yenger

Nays, 11:

Drake	Gallagher	Goodwin	Gratias
Hulse	Jensen	Lura	Priebe
Schwengels	Taylor	Tieden	

Voting present, 1:

Hultman

Absent or not voting, 2:

Carr Waldstein

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 2300 passed the Senate on April 12, 1982.

C. JOSEPH COLEMAN

HOUSE AMENDMENTS CONSIDERED

Senate File 2252

Senator Drake called up for consideration Senate File 2252, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state, amended by the House, and moved that the Senate concur in House amendment S—5387 filed March 26, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2252) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Brown
Carney	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

Senate File 2231

Senator Jensen called up for consideration Senate File 2231, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways, amended by the House, and moved that the Senate concur in House amendment S—5405 filed March 30, 1982.

The motion prevailed by a voice vote 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2231) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	Deluhery	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 5:

DeKoster	Doyle	Holden	Hulse
Rush			

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.

Senate File 26

Senator Priebe called up for consideration Senate File 26, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S—5415 filed March 31, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Priebe moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 26) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Wells	Yenger		

Nays, 3:

DeKoster	Gentleman	Vande Hoef
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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.

Senate File 260

Senator Doyle called up for consideration Senate File 260, a bill for an act to provide for the payment of reinstatement fees for motor

vehicle licenses revoked or suspended under the nonresident violators compact, amended by the House, and moved that the Senate concur in House amendment S—5416 filed March 31, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Doyle moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 260) the vote was:

Ayes, 49:

- | | | | |
|------------|--------------|--------------|------------|
| Anderson | Baughner | Bisenius | Briles |
| Brown | Carney | Coleman | Comito |
| Craft | DeKoster | Deluhery | Doyle |
| Drake | Dreeszen | Gallagher | Gentleman |
| Goodwin | Gratias | Hester | Holden |
| Hulse | Hultman | Husak | Hutchins |
| Jensen | Junkins | Kinley | Kudart |
| Lura | Miller, A.V. | Miller, C.P. | Murray |
| Nystrom | Palmer | Priebe | Ramsey |
| Readinger | Rodgers | Rush | Schwengels |
| Slater | Small | Taylor | Tieden |
| Vande Hoef | Van Gilst | Waldstein | Wells |
| 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.

Senate File 312

Senator Readinger called up for consideration Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive, amended by the House, and moved that the Senate concur in House amendment S—5413 filed March 31, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Readinger moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 312) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Holden

Absent or not voting, 1:

Carr

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

Senate File 367

Senator Ramsey called up for consideration Senate File 367, a bill for an act relating to money received by criminals as a result of the commission of crime, amended by the House, and moved that the Senate concur in House amendment S—5419 filed March 31, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Ramsey moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 367) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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 as amended was agreed to.

Senate File 396

Senator Goodwin called up for consideration Senate File 396, a bill for an act relating to the platting and recording of resurveyed or subdivided land, amended by the House, and moved that the Senate concur in House amendment S—5428 filed March 31, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 396) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle

Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senate File 537

Senator Gratias called up for consideration Senate File 537, a bill for an act to abolish the requirement for a premarital syphilis examination, amended by the House, and moved that the Senate concur in House amendment S—5414 filed March 31, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gratias moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 537) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Waldstein	Wells	Yenger	

Nays, 2:

Vande Hoef Van Gilst

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.

Senate File 558

Senator Priebe called up for consideration Senate File 558, a bill for an act to authorize the county treasurer to round to the nearest whole dollar the property tax bill for each property taxpayer, amended by the House, and moved that the Senate concur in House amendment S—5429 filed March 31, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Priebe moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 558) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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.

Senate File 2046

Senator Van Gilst called up for consideration Senate File 2046, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation, amended by the House, and moved that the Senate concur in House amendment S—5418 filed March 31, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2046) the vote was:

Ayes, 49:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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.

Senate File 2100

Senator Jensen called up for consideration Senate File 2100, a bill for an act relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license, amended by the House, and moved that the Senate concur in House amendment S—5430 filed March 31, 1982.

The motion prevailed by a voice vote 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2100) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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.

Senate File 2216

Senator Schwengels called up for consideration Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program, amended by the House, and moved that the Senate concur in House amendment S—5420 filed March 31, 1982.

Senator Hultman asked and received unanimous consent that further action on **Senate File 2216** and House amendment S—5420 be deferred.

Senate File 2186

Senator Hester called up for consideration Senate File 2186, a bill for an act relating to the examination and appointment of deputy assessors, amended by the House, and moved that the Senate concur in House amendment S—5443 filed April 1, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2186) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Carr

Murray

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

Senate File 2232

Senator Brown called up for consideration Senate File 2232, a bill for an act relating to profiting from inmates held in custody and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S—5441 filed April 1, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Brown moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

Senator Carney took the chair at 4:08 p.m.

On the question "Shall the bill pass?" (S.F. 2232) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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.

Senate File 2088

Senator Gratias called up for consideration Senate File 2088, a bill for an act to authorize a property tax levy by school districts for a cash reserve, amended by the House, and moved that the Senate concur in House amendment S—5455 filed April 1, 1982.

A non record roll call was requested.

The ayes were 26, nays 21.

The motion prevailed and the Senate concurred in the House amendment.

Senator Gratias moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2088) the vote was:

Ayes, 36:

Anderson	Baughner	Briles	Brown
Carney	DeKoster	Deluhery	Doyle
Drake	Gentleman	Goodwin	Gratias
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Taylor	Van Gilst	Wells	Yenger

Nays, 12:

Bisenius	Comito	Craft	Dreeszen
Gallagher	Hester	Holden	Priebe
Rodgers	Tieden	Vande Hoef	Waldstein

Absent or not voting, 2:

Carr Coleman

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

Senate File 464

Senator Schwengels called up for consideration Senate File 464, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission, amended by the House, and moved that the Senate concur in House amendment S—5477 filed April 6, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Junkins raised the point of order that with the adoption of House amendment S—5477, Senate File 464 should be referred to the committee on Appropriations under Senate Rule 37.

The Chair stated he would take the point under advisement and rule at a later time; therefore, action on **Senate File 464** was **deferred**.

Senate File 2192

Senator Doyle called up for consideration Senate File 2192, a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry, amended by the House, and moved that the Senate concur in House amendment S—5440 filed April 1, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Doyle moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2192) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart

Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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.

Senate File 2195

Senator Holden called up for consideration Senate File 2195, a bill for an act relating to financial transactions involving the payment of interest, amended by the House, and moved that the Senate concur in House amendment S—5478 filed April 6, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2195) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Carr Readinger

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

Senate File 539

Senator Gratias called up for consideration Senate File 539, a bill for an act relating to workers' compensation and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S—5527 filed April 8, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gratias moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 539) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Carr Gallagher

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

Senate File 2202

Senator Ramsey called up for consideration Senate File 2202, a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties, amended by the House, and moved that the Senate concur in House amendment S—5530 filed April 8, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Ramsey moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2202) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
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.

Senate File 2280

Senator Baugher called up for consideration Senate File 2280, a bill for an act relating to restitution by public offenders, amended by the House, and moved that the Senate concur in House amendment S—5529 filed April 8, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Baugher moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2280) the vote was:

Ayes, 47:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Carr	Holden	Tieden
------	--------	--------

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

SENATE RECEDES

House File 855

Senator Craft called up for consideration House File 855, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter, amended by the Senate, and moved that the Senate insists on its amendment.

A non record roll call was requested.

The ayes were none, nays 42.

The motion lost and the Senate **receded** from its amendment.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 855) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Slater	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Nays, 1:

Small

Absent or not voting, 6:

Carr	Gallagher	Hutchins	Kinley
Schwengels	Van Gilst		

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 121

By: Holden

- 1 *Whereas*, county compensation boards were established
- 2 in 1975 to provide for the determination of elected
- 3 county officers' salaries at the county level rather
- 4 than by the general assembly; and
- 5 *Whereas*, since 1975, various questions have arisen as

6 to the membership of the county compensation boards, the
7 method of selecting board members, methods used to deter-
8 mine the salary schedules, and other aspects of the
9 board procedures; and

10 *Whereas*, after seven years of operation, the committees
11 on county government believe that the operations of the
12 county compensation boards should be reviewed; *Now*
13 *Therefore*,

14 *Be It Resolved by the Senate, the House Concurring*,
15 That the legislative council establish an interim study
16 committee consisting of members of both political
17 parties on the house and senate committees on county
18 government and elected county officers recommended
19 by the executive board of the Iowa state association of
20 counties to conduct a study of county compensation boards;
21 and

22 *Be It Further Resolved*, That the study committee submit
23 a report of its conclusions and recommendations including
24 bill drafts to implement its recommendations to the legis-
25 lative council and to the general assembly meeting in
26 1983.

Read first time and referred to the committee on Rules and Administration.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 9, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 454—Relating to quarterly reports by county officers.

S.F. 535—Relating to the chronic renal disease program within the State Department of Health.

S.F. 2157—To allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit.

S.F. 2182—Relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

S.F. 2209—Relating to the time limitation for the administration of an estate including documentation of title.

S.F. 2210—Relating to the enforcement of the Iowa State Elevator Code, and providing a civil penalty.

S.F. 2282—To establish the Terrace Hill Authority.

STUDY BILLS RECEIVED

S.S.B. 2265 Ways and Means

Relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive and providing an effective date.

S.S.B. 2266 Ways and Means

Relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. F.	2301	Cities
S. F.	2302	Education
S. F.	2303	Judiciary

PROOF OF PUBLICATION

Published copy of Senate File 2298 and verified proof of publication of said bill in The Hawk Eye, a newspaper published in Des Moines County on April 5, 1982, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

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:

Hougen, Chester O. Cedar Falls
 (Leesburg, Florida)

Ted Anderson, Chair
Richard Comito
James V. Gallagher

DALE L. TIEDEN, Chair
C.W. BILL HUTCHINS
MICK LURA
BASS VAN GILST

EXPLANATION OF VOTE

MR. PRESIDENT: I was taking a telephone call when the vote on Senate File 2088 was taken on April 12, 1982.

Had I been present, I would have voted "aye".

C. JOSEPH COLEMAN

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2300 passed the Senate on April 12, 1982.

EDGAR H. HOLDEN

PETITIONS

The following petitions were presented and placed on file by:

Senator Craft from four hundred thirty-three residents of Black Hawk, Bremer, Chickasaw and Fayette Counties favoring legislation for the protection of Iowa prairie lands.

Senator Tieden from twelve residents of Allamakee County favoring legislation calling for a ban on #220 Conibear traps above water.

AMENDMENTS FILED

S—5539	S. F.	2300	C.W. Bill Hutchins
S—5540	S. F.	2300	C.W. Bill Hutchins
S—5541	S. F.	2297	C.W. Bill Hutchins
S—5542	S. F.	2300	Arthur A. Small, Jr. Richard F. Drake
S—5543	S. F.	2300	C.W. Bill Hutchins Richard F. Drake Tom Slater
S—5544	S. F.	2300	Lucas J. DeKoster Joe Brown
S—5545	S. F.	2203	Gary L. Baugher
S—5546	H.F.	2463	James E. Briles
S—5547	H.F.	2463	James E. Briles
S—5548	S. F.	2300	Mick Lura Berl E. Priebe Ray Taylor John W. Jensen
S—5549	S. F.	2295	Gary L. Baugher
S—5550	S. F.	2295	Gary L. Baugher
S—5551	S. F.	2245	Julia Gentleman

S—5552

S. F.

276

Lucas J. DeKoster
A.R. Bud Kudart
Bob Rush

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:50 p.m., until 9:00 a.m., Tuesday, April 13, 1982.

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 13, 1982

The Senate met in regular session at 9:00 a.m., Senator Carney presiding.

Prayer was offered by the Reverend Rodger Buck, pastor of the First Baptist Church, Sibley, Iowa.

The Journal of Monday, April 12, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curtis Wuest, M.D., Marshalltown, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Craft for the day on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 2156, a bill for an act relating to the issuance of certificates of title by the clerk of the district court.

Senate File 2235, a bill for an act to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication.

Senate File 2238, a bill for an act relating to the levy of a property tax for fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more.

Senate File 2247, a bill for an act to authorize the establishment of nonprofit foundations by the boards of area schools.

Senate File 2260, a bill for an act relating to coal mining.

Senate File 2264, a bill for an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles.

Senate File 2267, a bill for an act to legalize and validate the proceedings of the board of directors of the Iowa western community college.

Senate File 2268, a bill for an act authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties.

Senate File 2270, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court.

Senate File 2274, a bill for an act amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services.

Senate File 2294, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property.

ALSO: That the House has on April 7, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 256, a bill for an act relating to powers of credit unions as these relate to amendment of bylaws, reciprocity and share draft reserves.

Senate File 2190, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983, for a special charter city to convert to the levy and assessment schedule of the other political subdivisions.

Senate File 2212, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter.

Senate File 2213, a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district.

Senate File 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

REQUEST FOR UNANIMOUS CONSENT (Governor's Appointee)

Senator Coleman asked and received unanimous consent that Lonny T. Morrison, Governor's appointee to the Iowa Crime Commission, be excused from introduction before the Senate.

MOTION TO RECONSIDER WITHDRAWN

House File 2334

Senator Deluhery withdrew the motion to reconsider House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication, filed by him on March 22, 1982, and found on page 859 of the Senate Journal.

HOUSE AMENDMENT CONSIDERED

Senate File 2203

Senator Baugher called up for consideration Senate File 2203, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction, amended by the House in House amendment S—5504 filed April 7, 1982.

Senator Baugher offered amendment S—5545 filed by him on April 12, 1982, to House amendment S—5504 and moved its adoption.

Amendment S—5545 was adopted by a voice vote.

Senator Husak asked and received unanimous consent that further action on Senate File 2203 and House amendment S—5504, as amended, be deferred.

UNFINISHED BUSINESS (Deferred April 6, 1982)

House File 2460

The Senate resumed consideration of House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic

termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, amendment S—5480 by Senator Small and divisions S—5481A, S—5481B and S—5481C by Senators Gentleman and Carr, deferred on April 6, 1982.

Senator Small withdrew amendment S—5480 to page 1 of the bill, deferred on April 6, 1982.

President Branstad took the chair at 9:30 a.m.

Senator Small offered amendment S—5490 filed by him on April 6, 1982, to pages 1 and 2 of the bill.

Senator Murray called for a division of amendment S—5490: lines 3 through 13 as division S—5490A and lines 14 through 22 as division S—5490B.

Senator Small moved the adoption of division S—5490A.

A non record roll call was requested.

The ayes were 14, nays 31.

Division S—5490A lost.

Senator Small moved the adoption of division S—5490B, which motion prevailed by a voice vote.

Senator Gentleman offered amendment S—5491 filed by Senators Gentleman, Carr and Rush on April 6, 1982, to pages 7 and 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5491 be adopted?" (H.F. 2460) the vote was:

Ayes, 14:

Anderson	Brown	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Gentleman	Kudart	Rush	Slater
Small	Van Gilst		

Nays, 34

Baugher	Bisenius	Briles	Carney
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Absent or not voting, 2:

Craft Hultman

Amendment S—5491 lost.

Senator Murray offered amendment S—5560 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5560 was adopted by a voice vote.

Senator Gentleman asked and received unanimous consent to withdraw divisions S—5481A, S—5481B and S—5481C to pages 7 and 8 of the bill, deferred on April 6, 1982.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

Action on **House File 2460** was temporarily deferred for preparation of an amendment to the title of the bill.

MOTION TO RECONSIDER WITHDRAWN

House File 2334

Senator Priebe withdrew the motion to reconsider House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation

may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication, filed by him on March 23, 1982, and found on page 878 of the Senate Journal.

UNFINISHED BUSINESS
(Deferred April 5, 1982)

House File 2363

The Senate resumed consideration of House File 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments, and amendment S—5469 by Senator Waldstein, deferred on April 5, 1982.

Senator Hutchins offered amendment S—5524 filed by him on April 7, 1982, to pages 1 and 2 of the bill and called for a division: lines 3 through 5 as division S—5524A and lines 6 through 8 as division S—5524B.

Senator Hutchins moved the adoption of division S—5524A and requested a record roll call.

On the question "Shall division S—5524A be adopted?" (H.F. 2363) the vote was:

Ayes, 19:

Anderson	Briles	Brown	Carr
Comito	Deluhery	Gallagher	Gentleman
Husak	Hutchins	Junkins	Miller, A.V.
Miller, C.P.	Murray	Rodgers	Rush
Slater	Vande Hoef	Wells	

Nays, 30:

Baughner	Bisenius	Carney	Coleman
DeKoster	Doyle	Drake	Dreeszen
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kinley
Kudart	Lura	Nystrom	Palmer
Priebe	Ramsey	Readinger	Schwengels
Small	Taylor	Tieden	Van Gilst
Waldstein	Yenger		

Absent or not voting, 1:

Craft

Division S—5524A lost.

Senator Hutchins asked and received unanimous consent that action on division S—5524B be deferred.

Senator Taylor offered amendment S—5518 filed by Senators Taylor and Waldstein on April 7, 1982, to page 2 of the bill.

Senator Hutchins withdrew amendment S—5525 filed by him on April 7, 1982, to amendment S—5518.

Senator Taylor moved the adoption of amendment S—5518, which motion prevailed by a voice vote.

With the adoption of amendment S—5518, the chair ruled the following amendments out of order:

S—5469 by Senator Waldstein to page 2 of the bill, deferred on April 5, 1982.

Division S—5524B by Senator Hutchins to page 2 of the bill, previously deferred.

Senator Waldstein offered amendment S—5468 filed by him on April 5, 1982, to page 4 of the bill and moved its adoption.

Amendment S—5468 was adopted by a voice vote.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2363) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Holden

Absent or not voting, 2:

Comito

Craft

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

BUSINESS PENDING

Senate File 2203

The Senate resumed consideration of Senate File 2203 and House amendment S—5504 as amended, previously deferred.

Senator Husak offered amendment S—5564 filed by him from the floor to House amendment S—5504 and moved its adoption.

Amendment S—5564 was adopted by a voice vote.

Senator Baughner moved that the Senate concur in House amendment S—5504 as amended, which motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Baughner 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2203) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Hulse

Absent or not voting, 3:

Comito Craft Schwengels

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

PRESENTATION OF PELLA TULIP QUEEN

Senator Brown appeared on the rostrum and presented Nancy Thies, Queen of the Forty-seventh Annual Tulip Time Festival, who in turn introduced the members of her court: Lori Vander Leest, Ann Vermeer, Rosie Van Wyk and Lee Ann De Reus.

The Queen presented President Branstad with a kiss and a package of the famous Pella Dutch pastries and invited the Senate to attend the Tulip Time Festival in Pella on May 6, 7 and 8, 1982.

The Queen and her attendants distributed Pella cookies to Senators and staff.

UNFINISHED BUSINESS (Deferred April 6, 1982)

House File 2369

The Senate resumed consideration of House File 2369, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, deferred on April 6, 1982.

Senator DeKoster offered amendment S—5561 filed by him from the floor to pages 2, 3, 5, 6 and 8 of the bill and moved its adoption.

Amendment S—5561 was adopted by a voice vote.

Senator Yenger took the chair at 11:15 a.m.

Senator Lura offered amendment S—5487 filed by Senators Lura and Baugher on April 6, 1982, to page 5 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 12, nays 36.

Amendment S—5487 lost.

Senator Rush offered amendment S—5473 filed by him on April 5, 1982, to page 7 of the bill and moved its adoption.

Amendment S—5473 was adopted by a voice vote.

Senator Holden asked and received unanimous consent to withdraw amendment S—5482 filed by Senators Yenger, Holden and Slater on April 6, 1982, to pages 14 and 15 of the bill.

Senator Priebe called up the motion to reconsider the vote by which division S—5448J failed to be adopted by the Senate on April 6, 1982, filed by him on April 6, 1982, found on page 1067 of the Senate Journal, moved its adoption and requested a non record roll call.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2369) the vote was:

Ayes, 32:

Anderson	Briles	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Gallagher	Gentleman	Hulse
Hutchins	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Waldstein	Wells	Yenger

Nays, 17:

Baughner	Bisenius	Brown	Carney
Dreeszen	Goodwin	Gratias	Hester
Holden	Hultman	Husak	Jensen
Lura	Taylor	Tieden	Vande Hoef
Van Gilst			

Absent or not voting, 1:

Craft

The motion prevailed and division S—5448J, amending page 12 of the bill, was taken up for reconsideration.

(Action on House File 2369 and division S—5448J pending on recess.)

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 8, 1982, adopted the following joint resolution in which the concurrence of the House was asked:

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

ALSO: that the House has on April 8, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 2220, a bill for an act repealing a Code provision requiring the Iowa commerce commission to hold a special hearing

to determine if charges payable by the state or an agency of the state for communications services are reasonable.

Senate File 2278, a bill for an act relating to obscenity offenses and providing penalties.

ALSO: That the House has on April 8, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services.

Senate File 2215, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement.

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:38 p.m., Senator Yenger presiding.

QUORUM CALL

Senator Murray requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

BUSINESS PENDING

House File 2369

The Senate resumed consideration of House File 2369 and division S—5448J, previously deferred.

Senator Kudart moved the adoption of division S—5448J.

A non record roll call was requested.

The ayes were 32, nays 16.

Division S—5448J was adopted.

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

Senator Small called up the motion to reconsider the vote by which amendment S—5493 to House File 2369 was adopted by the Senate on April 6, 1982, filed by him on April 7, 1982, found on page 1099 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. 2369) the vote was:

Ayes, 28:

Anderson	Briles	Carr	Coleman
Comito	DeKoster	DeLuhery	Doyle
Drake	Gallagher	Goodwin	Holden
Hulse	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small

Nays, 21:

Baugher	Bisenius	Brown	Carney
Dreeszen	Gentleman	Gratias	Hester
Hultman	Husak	Jensen	Kudart
Lura	Priebe	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Absent or not voting, 1:

Craft

The motion prevailed and amendment S—5493 by Senators Husak and Brown to page 4 of the bill, was taken up for reconsideration.

Senator Carney took the chair at 2:50 p.m.

Senator Husak asked and received unanimous consent that action on amendment S—5493 be deferred.

Senator Comito offered amendment S—5569 filed by Senators Comito, et al., from the floor to page 4 of the bill.

Senator Small asked and received unanimous consent that action on amendment S—5569 be deferred.

Senator Hultman asked and received unanimous consent that further action on **House File 2369** and amendments S—5493 and S—5569 be deferred.

BUSINESS PENDING

House File 2460

The Senate resumed consideration of House File 2460, previously deferred.

Senator Murray filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 2460 went to its last reading.

The motion prevailed by a voice vote.

Senator Murray offered amendment S—5565 filed by Senators Murray and Gentleman from the floor to the title page of the bill and moved its adoption.

Amendment S—5565 was adopted by a voice vote.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2460) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Comito
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer

Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Gentleman

Absent or not voting, 2:

Coleman Craft

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 Files 2363 and 2460 be immediately messaged to the House.

UNFINISHED BUSINESS (Deferred March 17, 1982)

House File 2409

The Senate resumed consideration of House File 2409, a bill for an act relating to fire safety, deferred on March 17, 1982.

Senator Rush moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2409) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Slater	Small

Taylor
Wells

Tieden

Van Gilst

Waldstein

Nays, none.

Absent or not voting, 5:

Comito
Yenger

Gallagher

Schwengels

Vande Hoef

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

WITHDRAWN

Senator Rush asked and received unanimous consent that **Senate File 2241** be withdrawn from further consideration of the Senate.

UNFINISHED BUSINESS (Deferred April 1, 1982)

House File 800

The Senate resumed consideration of House File 800, a bill for an act relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures, deferred on April 1, 1982.

Senator Readinger offered amendment S—5572 filed by him from the floor to page 1 and the title page of the bill.

Senator Husak raised the point of order that amendment S—5572 was not germane to the bill.

Senator Husak withdrew his request.

Senator Readinger moved the adoption of amendment S—5572 and requested a record roll call.

On the question "Shall amendment S—5572 be adopted?" (H.F. 800) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Anderson	Carney	Carr	DeKoster
Deluhery	Doyle	Gentleman	Kinley
Kudart	Miller, A.V.	Murray	Palmer
Priebe	Ramsey	Readinger	Rush
Small	Van Gilst	Wells	

Nays, 28:

Baughner	Briles	Brown	Coleman
Comito	Craft	Drake	Dreeszen
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Lura	Miller, C.P.
Nystrom	Rodgers	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Waldstein

Voting present, 1:

Bisenius

Absent or not voting, 2:

Gallagher Yenger

Amendment S—5572 lost.

Senator Readinger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 800) the vote was:

Ayes, 36:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Comito	Craft
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Ramsey	Rodgers	Schwengels
Slater	Small	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 10:

Briles	DeKoster	Deluhery	Doyle
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Hester
Readinger

Kinley
Rush

Kudart

Palmer

Voting present, 1:

Bisenius

Absent or not voting, 3:

Gallagher

Murray

Tieden

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

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2300

Senator Coleman withdrew the motion to reconsider Senate File 2300, a bill for an act relating to the regulation of financial institutions, filed by him on April 12, 1982, and found on page 1129 of the Senate Journal.

Senator Holden withdrew the motion to reconsider Senate File 2300 filed by him on April 12, 1982, and found on page 1151 of the Senate Journal.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman called up for consideration Senate File 2295.

Senator Junkins asked unanimous consent that action on Senate File 2295 be deferred.

Objection was raised by Senator Brown.

Senate File 2295

On motion of Senator Lura, Senate File 2295, 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 races and racing meets, imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties for the commission of the acts, was taken up for consideration.

President Branstad took the chair at 4:00 p.m.

Senator Van Gilst asked and received unanimous consent that further action on **Senate File 2295** be deferred.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

Senator Hultman asked and received unanimous consent that Governor appointees Kathleen Neylan and Walter L. Saur be excused from introduction before the Senate.

In accordance with Senate Rule 58, Senator Hultman called up the following eligible appointees listed on the En Bloc Confirmation Calendar:

Iowa Railway Finance Authority

George F. Davison, Jr., committee recommendations found on pages 275 and 958 of the Senate Journal.

Francis Kenkel, committee recommendation found on page 880 of the Senate Journal.

Iowa State Civil Rights Commission

Paul Murphy, committee recommendation found on page 132 of the Senate Journal.

Larry Harris, committee recommendation found on page 894 of the Senate Journal.

Board of Accountancy, committee recommendation found on page 745 of the Senate Journal:

Harlan L. Gronewold
Kenneth A. Putzier
A. Jane Roberts, Ph.D.

Board of Architectural Examiners

Bernard I. Jones, committee recommendation found on page 745 of the Senate Journal.

George E. Deininger, committee recommendation found on page 860 of the Senate Journal.

Assessor Education Commission, committee recommendation found on page 745 of the Senate Journal:

J. Michael Cavitt
LeRoy H. Petersen
Ann Spangler

State Board of Barber Examiners, committee recommendation found on page 745 of the Senate Journal:

Phyllis L. Henderson
Charles A. Vance

Iowa Beer and Liquor Control Council

Bennett Gordon, committee recommendation found on page 745 of the Senate Journal.

City Development Board

Ruth J. Schuler, committee recommendation found on page 745 of the Senate Journal.

City Finance Committee, committee recommendation found on page 745 of the Senate Journal:

Betty J. Bybee
Charles B. Hammen
Alfred G. Heitzman

State Board of Cosmetology Examiners, committee recommendation found on page 745 of the Senate Journal:

Maxine O. Cochran
Marlene Donovan

Credit Union Review Board, committee recommendation found on page 745 of the Senate Journal:

Jerry R. Coughlon
Dorothy E. Krause
Layton M. Stump

State Board of Dental Examiners, committee recommendation found on page 745 of the Senate Journal:

Nancy Flood
Daniel J. Welsh

State Board of Engineering Examiners, committee recommendation found on page 745 of the Senate Journal:

R. Bruce Hopkins, Ph.D.
Cheryl J. Richardson

Dan E. Branson, committee recommendation found on page 860 of the Senate Journal.

Iowa Family Farm Development Authority, committee recommendation found on page 745 of the Senate Journal:

Edward Engstrom
Gene Geissing

Committee recommendation found on page 911 of the Senate Journal:

Sonja L. Larsen
Earl Powers

Job Service Appeal Board

Norma I. Lock, committee recommendation found on page 746 of the Senate Journal.

Richard R. Ramsey, committee recommendation found on page 823 of the Senate Journal.

Commission on Judicial Qualifications

Ardith R. Brown, committee recommendation found on page 746 of the Senate Journal.

Iowa Law Enforcement Academy Council, committee recommendation found on page 746 of the Senate Journal:

Lewis E. Glenn
Gregory H. Williams

State Board of Medical Examiners, committee recommendation found on page 746 of the Senate Journal:

Joseph B. Baker, D.O.
Alyce M. Fanslow, Ph.D.
John L. Garred, M.D.

State Board of Mortuary Science Examiners, committee recommendation found on page 746 of the Senate Journal:

Eugene Siegert
Clara J. Vaughn

State Board of Nursing Examiners, committee recommendation found on page 746 of the Senate Journal:

Karen R. Sojka
Pamela K. Triolo

Board of Examiners for Nursing Home Administrators, committee recommendation found on page 746 of the Senate Journal:

Lester Beachy, M.D.
Marcia Dudden
Mary E. Heltsley, Ph.D.
Sister Donna Venteicher

Committee recommendation found on page 860 of the Senate Journal:

Donald D. Abdouch
Marian Malloy

Occupational Safety and Health Review Commission

I. John Rossi, committee recommendation found on page 746 of the Senate Journal.

State Board of Pharmacy Examiners, committee recommendation found on page 746 of the Senate Journal:

Jerry M. Hartleip
John F. Rode

State Board of Physical and Occupational Therapy Examiners, committee recommendation found on page 746 of the Senate Journal:

Mary Greenleaf
Sharon A. Simmons

State Board of Podiatry Examiners

Margaret A. Harden, committee recommendation found on page 746 of the Senate Journal.

Edward N. Wiltgen, committee recommendation found on page 860 of the Senate Journal.

State Board of Psychology Examiners, committee recommendation found on page 746 of the Senate Journal:

Phyllis S. Hansell
Herbert S. Roth, Ph.D.

Iowa Real Estate Commission, committee recommendation found on page 746 of the Senate Journal:

Mildred E. Elliott
John J. Pogge

Iowa Rural Community Development Committee, committee recommendation found on page 746 of the Senate Journal:

M. Jo Neal
Patricia Ann Renaud

State Board of Speech Pathology and Audiology Examiners, committee recommendation found on page 746 of the Senate Journal:

Kenneth C. Hawes
Kathy Kerst
John E. Scherrman

State Board of Veterinary Medicine Examiners, committee recommendation found on page 746 of the Senate Journal:

Cathy Sue Kelly
James A. Lowe, D.V.M.

State Board of Watchmaking Examiners, committee recommendation found on page 746 of the Senate Journal:

Paul E. DeJaynes
Howard W. Wilshire, Jr.

Board of Certification of Waterworks and Waste Waterworks Operators, committee recommendation found on page 746 of the Senate Journal:

Vivian Creswick
Gregory M. Johnson

Public Employment Relations Board

John E. Beamer, committee recommendation found on page 773 of the Senate Journal.

Board of Landscape Architectural Examiners, committee recommendation found on page 860 of the Senate Journal:

Thomas R. Dunbar
Jack E. Leaman

State Board of Optometry Examiners, committee recommendation found on page 860 of the Senate Journal:

Larry D. DeCook
David E. Scott

Board of Examiners for Hearing Aid Dealers

Mildred F. Coughlon, committee recommendation found on page 860 of the Senate Journal.

Commission for the Blind

Nolden Gentry, committee recommendation found on page 861 of the Senate Journal.

Iowa Crime Commission, committee recommendation found on page 894 of the Senate Journal:

Morris F. Johnson
Lonny T. Morrison
Kathleen Neylan

Iowa Board of Parole

Walter L. Saur, committee recommendation found on page 894 of the Senate Journal.

State Board of Public Instruction, committee recommendation found on page 968 of the Senate Journal:

Lucas J. DeKoster
John Moats
Susan M. Wilson

Executive Director of Environmental Quality

Stephen W. Ballou, committee recommendation found on page 968 of the Senate Journal.

Senator Hultman asked and received unanimous consent that Richard R. Ramsey, Lucas J. DeKoster and Stephen W. Ballou be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar."

Senator Hultman moved that the remaining foregoing appointments on the En Bloc Confirmation Calendar be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 50:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

The Chair declared the appointments confirmed.

BILL REASSIGNED TO COMMITTEE

President Branstad announced that **Senate Concurrent Resolution 116** was reassigned from the committee on Natural Resources to the committee on **Rules and Administration**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 122

By: Coleman, Small, C. Miller, Deluhery, Kinley, Gallagher,
Hultman, Doyle, Husak, Anderson, Slater, Bisenius,
Comito, Junkins, Carr and Brown

1 *Whereas*, the Knights of Columbus, a Catholic family
2 fraternal service organization is now celebrating its
3 first 100 years of charitable and patriotic service;
4 and

5 *Whereas*, the Knights of Columbus is the largest
6 family fraternal benefit society in the world with
7 over 5,500,000 family members involved in some 7,000
8 councils; and

9 *Whereas*, these dedicated fraternalists donated
10 over \$30,000,000 and over 9,000,000 man-hours of
11 charitable service in 1981 to church and community;
12 and

13 *Whereas*, the first Iowa Knights of Columbus council
14 was chartered in Dubuque on April 9, 1902, and has
15 grown to 29,500 members in 120 councils; and

16 *Whereas*, the Iowa councils in 1981 provided over
17 \$800,000 and 250,000 man-hours of service within the
18 borders of this great state; and

19 *Whereas*, the mentally retarded in Iowa have been
20 the recipients of \$1,700,000 in the last eight years,
21 including \$102,834.95 donated to the Iowa Special
22 Olympics through a zero-overhead Knights of Columbus
23 fundraising program; and

24 *Whereas*, the Knights have supported student centers
25 at Iowa's four major universities providing \$725,000
26 over a period of years; and

27 *Whereas*, the K of C student loan program supports
28 Iowa students in the amount of \$500,000 and has pro-
29 vided building loans of some \$3,500,000 to Iowa

Page 2

1 Catholic parishes; and

2 *Whereas*, due to these remarkable accomplishments
3 the Order's membership continues to grow, reaching
4 new all-time highs yearly; *Now Therefore*

5 *Be It Resolved by the Senate, the House Concurring,*
6 That commendations and congratulations be extended
7 to the Knights of Columbus for the extraordinary
8 record of service it has exhibited during this
9 100 years, and wishes the Knights continued success
10 in its charitable, fraternal and patriotic endeavors.

Read first time and passed on file.

APPENDIX

COMMUNICATIONS

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

IOWA ENERGY POLICY COUNCIL

A copy of the 1982 State Energy Conservation Plan prepared by the Iowa Energy Policy Council.

IOWA MERIT EMPLOYMENT DEPARTMENT

A copy of the 1981 Annual Report of the Iowa Merit Employment Department pursuant to Sec. 19A.7(5), Code 1981.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5105 to House File 2090 was adopted by the Senate on April 12, 1982.

BOB CARR

PRESENTATION OF VISITORS

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

Ninety-five students from Johnston Senior High School, Johnston, Iowa, accompanied by Dave Pitz. Senator Readinger.

Seventy-five students from Audubon Junior High School, Audubon, Iowa, accompanied by Mrs. Carma Hutchins. Senator Hutchins.

Twenty-five students from Deep River-Millersburg Elementary School, Deep River, Iowa, accompanied by Corlene Tandy. Senator Husak.

The following visitors were present in the Senate gallery:

Twenty-one students from Urbandale Junior High School, Urbandale, Iowa, accompanied by Curt Getting. Senator Readinger.

Thirty students from Alden Community School and Popejoy Elementary School of Alden and Popejoy, Iowa, accompanied by Janet Ziesman. Senator Taylor.

AMENDMENTS FILED

S—5553	H.F.	2393	Arthur A. Small, Jr.
S—5554	S. F.	2286	House Amendment
S—5555	S. F.	2190	House Amendment
S—5556	S. F.	2212	House Amendment
S—5557	S. F.	2213	House Amendment
S—5558	S. F.	256	House Amendment
S—5559	H.F.	2426	Dick Ramsey
S—5560	H.F.	2460	John S. Murray
S—5561	H.F.	2369	Lucas J. DeKoster
S—5562	S. F.	2216	Forrest V. Schwengels James V. Gallagher
S—5563	S. F.	2215	House Amendment
S—5564	S. F.	2203	Emil J. Husak
S—5565	H.F.	2460	John S. Murray Julia Gentleman
S—5566	S. F.	268	House Amendment
S—5567	H.F.	2463	Norman Rodgers C.W. Bill Hutchins Bass Van Gilst A.R. Bud Kudart Gary L. Baugher Clarence S. Carney Tom Slater Sue Yenger James V. Gallagher Arne Waldstein Elvie L. Dreeszen George R. Kinley
S—5568	H.F.	844	Julia Gentleman
S—5569	H.F.	2369	Richard Comito Lucas J. DeKoster Arthur A. Small, Jr. Joe Brown
S—5570	S. F.	276	Bob Rush
S—5571	S. F.	2295	Gary L. Baugher

S—5572	H.F.	800	David M. Readinger
S—5573	S. F.	2245	Julia Gentleman
S—5574	H.F.	2463	Dale L. Tieden
S—5575	S. F.	276	Bob Rush

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:20 p.m., until 9:00 a.m., Wednesday, April 14, 1982.

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 14, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by Father John Zeitler, pastor of the St. Ambrose Cathedral, Des Moines, Iowa.

The Journal of Tuesday, April 13, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. W.H. Steinbeck, M.D., Keystone, Iowa.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 2193, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund.

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 114

By: Priebe

- 1 *Whereas*, it is the tradition of the Senate to honor
- 2 members of the Senate who have served honorably and
- 3 for many years; and
- 4 *Whereas*, there are members of the Sixty-ninth General
- 5 Assembly who have unselfishly given their time and
- 6 efforts to further the interests of the state and its
- 7 citizens, who have served twelve years or more in the
- 8 Senate and who will be retiring following completion
- 9 of this General Assembly; and

10 *Whereas*, it is proper that these Senators should
11 be honored by receiving their Senate chairs or desks;
12 *Now Therefore*,
13 *Be It Resolved by the Senate*, That the Senate pay
14 tribute to members of the Senate who have served
15 twelve years or more and are retiring by presenting
16 these persons with their Senate chairs; and
17 *Be It Further Resolved*, That in the discretion of
18 the Senate Majority and Minority Leaders those members
19 who have served twelve years or more and are retiring
20 shall also receive their Senate desks.

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

MOTIONS TO RECONSIDER WITHDRAWN

House File 2218

Senator Miller of Des Moines withdrew the motion to reconsider House File 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty, filed by him on April 8, 1982, and found on page 1119 of the Senate Journal.

Senator Drake withdrew the motion to reconsider House File 2218 filed by him on April 8, 1982, and found on page 1119 of the Senate Journal.

UNFINISHED BUSINESS (Deferred April 7, 1982)

House File 2463

The Senate resumed consideration of House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date, deferred on April 7, 1982.

Senator Tieden offered amendment S—5462 filed by the committee on Natural Resources on April 2, 1982, to strike everything after the enacting clause and to the title page of the bill.

Senator Rodgers offered amendment S—5567 filed by Senators Rodgers, et al., on April 13, 1982, to pages 1 through 42 of amendment S—5462 and to the title page and moved its adoption.

Senator Tieden raised the point of order that amendment S—5567 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5567 in order.

President pro tempore Ramsey took the chair at 10:00 a.m.

Senator Rodgers asked and received unanimous consent that action on amendment S—5567 to amendment S—5462 be deferred.

Senator Rodgers offered amendment S—5576 filed by Senators Rodgers, et al., from the floor to pages 1 through 42 of amendment S—5462 and to the title page and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5576 to amendment S—5462 be adopted?” (H.F. 2463) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 30:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Deluhery	Doyle	Dreeszen	Gallagher
Hulse	Husak	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Palmer	Rodgers	Rush	Schwengels
Slater	Small	Van Gilst	Waldstein
Wells	Yenger		

Nays, 20:

Bisenius	Craft	DeKoster	Drake
Gentleman	Goodwin	Gratias	Hester
Holden	Hultman	Jensen	Lura

Murray
Readinger

Nystrom
Taylor

Priebe
Tieden

Ramsey
Vande Hoef

Amendment S—5576 was adopted.

With the adoption of amendment S—5576 to amendment S—5462, the Chair ruled the following amendments out of order:

S—5509 filed by Senator Gallagher on April 7, 1982, to page 5 of amendment S—5462.

S—5510 filed by Senator Gallagher on April 7, 1982, to page 6 of amendment S—5462.

S—5515 filed by Senators Gallagher and Tieden on April 7, 1982, to page 9 of amendment S—5462.

S—5531 filed by Senator Schwengels on April 8, 1982, to page 2 of amendment S—5462.

S—5532 filed by Senator Schwengels on April 8, 1982, to page 1 of amendment S—5462.

S—5546 filed by Senator Briles on April 12, 1982, to page 18 of amendment S—5462.

S—5567 by Senators Rodgers, et al., to pages 1 through 42 of amendment S—5462 and to the title page, previously deferred.

S—5574 filed by Senator Tieden on April 13, 1982, to pages 1, 4, 5, 10, 12 and 41 of amendment S—5462.

S—5578 filed by Senator Taylor from the floor to page 1 of amendment S—5462.

Senator Tieden moved the adoption of amendment S—5462 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5462 as amended, the Chair ruled amendment S—5547 filed by Senator Briles on April 12, 1982, to page 33 of the bill, out of order.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2463) the vote was:

Ayes, 37:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Deluhery
Doyle	Dreeszen	Gallagher	Gentleman
Hulse	Hultman	Husak	Hutchins
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Rodgers
Rush	Schwengels	Small	Taylor
Tieden	Van Gilst	Waldstein	Wells
Yenger			

Nays, 11:

Bisenius	Comito	Craft	DeKoster
Drake	Goodwin	Gratias	Hester
Jensen	Readinger	Vande Hoef	

Absent or not voting, 2:

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

Senator Hultman asked and received unanimous consent that **House File 2463** be **immediately messaged** to the House.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 844.

House File 844

On motion of Senator Priebe, House File 844, a bill for an act relating to the filing of a claim for the homestead credit or military service tax exemption only once and providing that the credit or exemption will be granted without refiling a claim for as long as the person or the person's spouse owns the property designated for the credit or exemption on July 1, providing for a civil penalty, and providing for a January 1 effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Priebe offered amendment S—5218 filed by the committee on Ways and Means on March 9, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5218 was adopted by a voice vote.

Senator Gentleman offered amendment S—5568 filed by her on April 13, 1982, to pages 6 and 7 of the bill and moved its adoption.

Amendment S—5568 was adopted by a voice vote.

Senator Rodgers offered amendment S—5297 filed by Senators Rodgers and Craft on March 18, 1982, to page 8 of the bill and moved its adoption.

Amendment S—5297 was adopted by a voice vote.

Senator Priebe moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 844) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers

Rush
Tieden
Wells

Schwengels
Vande Hoef
Yenger

Small
Van Gilst

Taylor
Waldstein

Nays, none.

Absent or not voting, 4:

Comito

Holden

Husak

Slater

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 541** be withdrawn from further consideration of the Senate.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization.

Senate File 2204, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis.

ALSO: That the House has on April 8, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

INTRODUCTION OF BILL

Senate File 2304, by Committee on Appropriations, a bill for an

act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Read first time and placed on the Appropriations Calendar.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 123

By: Deluhery, Anderson, Brown, Carney, Carr, Coleman, DeKoster, Doyle, Gallagher, Gentleman, Husak, Hutchins, Junkins, Kinley, Kudart, Miller of Cerro Gordo, Miller of Des Moines, Murray, Palmer, Readinger, Rodgers, Rush, Slater, Small, Van Gilst, Wells and Yenger

1 *Whereas*, the 1979 Session of the Iowa General
 2 Assembly adopted Senate Joint Resolution No. 1, a
 3 resolution calling upon Congress to convene a
 4 national constitutional convention for the purpose
 5 of proposing an amendment to the United States
 6 Constitution which would require a federal balanced
 7 budget; and
 8 *Whereas*, the General Assembly of Iowa, realizes
 9 that the nation is perilously close to a situation
 10 in which the requisite number of states may appear
 11 to have called upon Congress to convene a constitutional
 12 convention; and
 13 *Whereas*, there exists no adequate mechanism for
 14 determining which, if any, of these convention calls
 15 are legally effective and how such convention calls
 16 are to be combined; and
 17 *Whereas* the power of, and limits upon, any constitu-
 18 tional convention are matters of great controversy;
 19 and
 20 *Whereas*, we believe that the President and the
 21 Congress, using rigorous fiscal discipline can produce
 22 a balanced federal budget; and
 23 *Whereas*, upon reflection, it is clear that this should
 24 not be the occasion on which the first constitutional
 25 convention since 1787 is convened; *Now Therefore*,
 26 *Be It Resolved by the Senate, the House Concurring*,
 27 That the Iowa General Assembly hereby repeals Senate
 28 Joint Resolution No. 1 and the request for a constitutional
 29 convention is hereby withdrawn; and
 30 *Be It Further Resolved*, That Iowa be recorded as

Page 2

1 favoring the adoption by the Congress of the United
 2 States of a responsible, balanced budget; and

- 3 *Be It Further Resolved*, That the Secretary of the
 4 State of Iowa send a copy of this Resolution to the
 5 Clerk of the Untied States House of Representatives
 6 and the Secretary of the United States Senate.

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

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2288.

Senate File 2288

On motion of Senator Craft, Senate File 2288, a bill for an act relating to the prepayment of premium taxes by insurance companies, was taken up for consideration.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2288) the vote was:

Ayes, 42:

Baughner	Bisenius	Briles	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 7:

Anderson	Brown	Doyle	Gentleman
Lura	Priebe	Rodgers	

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.

House File 858

On motion of Senator Lura, House File 858, a bill for an act relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy, with report of committee recommending passage, was taken up for consideration.

Senator Lura moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 858) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Craft
Deluhery	Doyle	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 4:

Coleman	DeKoster	Rush	Small
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Absent or not voting, 3:

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

Senate File 2292

On motion of Senator Hester, Senate File 2292, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price, was taken up for consideration.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2292) the vote was:

Ayes, 41:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Comito	Craft
DeKoster	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 8:

Carr	Coleman	Deluhery	Doyle
Gratias	Miller, A.V.	Miller, C.P.	Priebe

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.

House File 2362

On motion of Senator Hester, House File 2362, a bill for an act relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes, including provision for a variable interest rate for underpayment or overpayment on estimated payments of corporate income and franchise taxes, and making the Act retroactive to January 1, 1982, effective upon publication, with report of committee recommending passage, was taken up for consideration.

Senator Tieden took the chair at 11:25 a.m.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2362) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

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

Senate File 2293

On motion of Senator Hester, Senate File 2293, a bill for an act relating to the apportionment of business income for corporate income tax purposes, was taken up for consideration.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2293) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.

Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 1:

Ramsey

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

House File 2351

On motion of Senator Husak, House File 2351, a bill for an act relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks, certain terraces and open prairies and increasing the assessed value of fruit-tree and forest reservations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Husak offered amendment S—5364 filed by the committee on Ways and Means on March 24, 1982, to pages 1, 4 and the title page of the bill and moved its adoption.

Amendment S—5364 was adopted by a voice vote.

Senator Husak offered amendment S—5395 filed by Senators Husak, Taylor and Craft on March 26, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5395 was adopted by a voice vote.

Senator Hultman offered amendment S—5426 filed by him on March 31, 1982, to page 4 and to the title page of the bill.

Senator Hultman asked and received unanimous consent that further action on **House File 2351** and amendment S—5426 be **deferred**.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:55 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2243

Senator Tieden called up for immediate consideration Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons, amended by the House, and moved that the Senate concur in House amendment S—5580 filed April 14, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2243) the vote was:

Ayes, 37:

Baugher	Bisenius	Briles	Carney
Craft	DeKoster	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, 7:

Anderson	Brown	Carr	Deluhery
Gallagher	Miller, C.P.	Wells	

Absent or not voting, 6:

Coleman	Comito	Kinley	Murray
Palmer	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 **immediately message** to the House that the Senate concurred in the House amendment and passed **Senate File 2243**.

President Branstad took the chair at 1:45 p.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2299.

Senate File 2299

On motion of Senator Hester, Senate File 2299, a bill for an act relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, providing for conditions upon which free samples may be distributed, providing for penalty and interest for unpaid or delinquent taxes, the time period in which a hearing must be held when a protest is filed, waiver of penalty and reduction or abatement of interest by the director, and repealing the Iowa unfair cigarette sales Act and the one-time inventory tax refund, was taken up for consideration.

Senator Hester withdrew amendment S—5496 filed by him on April 6, 1982, to page 2 and to the title page of the bill.

Senator Carney offered amendment S—5517 filed by Senators Carney, et al., on April 7, 1982, to page 5 and to the title page of the bill.

Senator Carney offered amendment S—5585 filed by him from the floor to amendment S—5517 and moved its adoption.

Amendment S—5585 was adopted by a voice vote.

Senator Husak took the chair at 3:05 p.m.

Senator Carney moved the adoption of amendment S—5517 as amended and requested a record roll call.

On the question “Shall amendment S—5517 as amended be adopted?” (S.F. 2299) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Anderson	Brown	Carney	Carr
Coleman	Comito	Doyle	Dreeszen
Goodwin	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Murray	Nystrom	Priebe
Rodgers	Schwengels	Slater	Tieden
Vande Hoef	Van Gilst		

Nays, 23:

Baughner	Bisenius	Briles	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Holden	Kinley	Kudart
Lura	Miller, C.P.	Palmer	Ramsey
Readinger	Rush	Small	Taylor
Waldstein	Wells	Yenger	

Absent or not voting, 1:

Gratias

Amendment S—5517 was adopted.

President Branstad took the chair at 3:43 p.m.

Senator Hester offered amendment S—5584 filed by him from the floor to page 2 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gratias for the remainder of the day on request of Senator Hultman.

BUSINESS PENDING

Senate File 2299

The Senate resumed consideration of Senate File 2299 and amendment S—5584.

Senator Small asked and received unanimous consent that further action on **Senate File 2299** and amendment S—5584 be **deferred**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 2153

On motion of Senator Van Gilst, Senate File 2153, a bill for an act relating to the state sales, services, and use taxes by exempting from the taxes linotype, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions and making it retroactive, was taken up for consideration.

Senator Small withdrew amendment S—5142 filed by him on February 22, 1982, to page 1 and to the title page of the bill.

Senator Small offered amendment S—5581 filed by him from the floor to page 1 and to the title page of the bill.

Senator Small offered amendment S—5583 filed by him from the floor to amendment S—5581.

Senator Gallagher asked unanimous consent that further action on Senate File 2153 be deferred.

Objection was raised by Senator Small.

Senator Small withdrew his objection.

Senator Gallagher withdrew his request for deferral.

Senator Small moved the adoption of amendment S—5583 to amendment S—5581, which motion prevailed by a voice vote.

Senator Small moved the adoption of amendment S—5581 as amended, which motion prevailed by a voice vote.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2153) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Wells
Yenger			

Nays, 1:

Gallagher

Absent or not voting, 4:

Briles	Comito	Gratias	Waldstein
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

BUSINESS PENDING

Senate File 2299

The Senate resumed consideration of Senate File 2299 and amendment S—5584, previously deferred.

Senator Small offered amendment S—5601 filed by him from the floor to amendment S—5584 and moved its adoption.

Amendment S—5601 was adopted by a voice vote.

Senator Hester moved the adoption of amendment S—5584 as amended, which motion prevailed by a voice vote.

Senator Yenger asked and received unanimous consent that further action on **Senate File 2299** be deferred.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 861.

House File 861

On motion of Senator Rush, House File 861, a bill for an act to authorize a person who is confined in a hospital or nursing care facility to qualify for claiming the extraordinary property tax credit or reimbursement on the person's homestead, with a January 1 effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rush offered amendment S—5381 filed by the committee on Ways and Means on March 25, 1982, to page 1 and to the title page of the bill and moved its adoption.

Amendment S—5381 was adopted by a voice vote.

Senator Rush moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 861) the vote was:

Ayes, 47:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura

Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Gratias	Hultman	Murray
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

House File 2395

On motion of Senator Taylor, House File 2395, a bill for an act providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state, with report of committee recommending passage, was taken up for consideration.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2395) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

House File 2396

On motion of Senator Holden, House File 2396, a bill for an act relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom took the chair at 4:40 p.m.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2396) the vote was:

Ayes, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Nays, 4:

Gallagher	Priebe	Ramsey	Wells
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Absent or not voting, 3:

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

Senate File 2297

On motion of Senator Hutchins, Senate File 2297, a bill for an act providing that an assessor shall not list a taxpayer's personal property if the assessor determines that the personal property

valuation has not increased to an amount greater than the amount of the credit and the taxpayer has filed a claim for the credit, was taken up for consideration.

Senator Hutchins offered amendment S—5541 filed by him on April 12, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5541 was adopted by a voice vote.

Senator Hutchins moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2297) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

House File 2424

On motion of Senator Rush, House File 2424, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years, 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2424) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Coleman	Gallagher	Gratias	Junkins
Murray	Ramsey		

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

Senate File 2251

On motion of Senator Holden, Senate File 2251, a bill for an act relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring notice of changes in motor vehicle fuel type, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas, was taken up for consideration.

Senator Holden offered amendment S—5586 filed by him from the floor to pages 1 and 3 of the bill and moved its adoption.

Amendment S—5586 was adopted by a voice vote.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2251) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Coleman	Gallagher	Gratias	Murray
Slater			

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2484, a bill for an act relating to mobile homes by providing that the semi-annual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not

titled in the county where their mobile homes are located must notify the county treasurer, making coordinating amendments and providing a January 1 effective date.

This bill was read first time and referred to the committee on **Ways and Means.**

APPENDIX**BILL ASSIGNED TO COMMITTEE**

President Branstad announced the assignment of the following bill to committee:

S. C.R. 122 Rules and Administration

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5105 to House File 2090 was adopted by the Senate on April 12, 1982.

JOE BROWN

MR. PRESIDENT: I move to reconsider the vote by which House File 800 passed the Senate on April 13, 1982.

BOB CARR

MR. PRESIDENT: I move to reconsider the vote by which House File 844 passed the Senate on April 14, 1982.

BERL E. PRIEBE

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2292 passed the Senate on April 14, 1982.

JAMES V. GALLAGHER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5517 to Senate File 2299 was adopted by the Senate on April 14, 1982.

RICHARD COMITO

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate when the final vote was taken on House File 2460 on April 13, 1982.

Had I been present, I would have voted "aye".

C. JOSEPH COLEMAN

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 13, 1982, 4:30 p.m.

Members Present: Murray, Chair; Tieden, Vice Chair; Palmer, Ranking Member; Anderson, Bisenius, Baugher, Carney, Deluhery, Hultman, Jensen (arrived 4:34 p.m.), Junkins, Ramsey (arrived 4:35 p.m.), Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger.

Member Absent: none.

Other Committee Business: Amended and approved SSB 2264 for final approval as a committee bill.

Adjourned: 5:55 p.m.

APPROPRIATIONS

Convened: April 14, 1982, 11:35 a.m.

Members Present: Murray, Chair; Tieden, Vice Chair; Palmer, Ranking Member; Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst and Waldstein.

Members Absent: Yenger.

Final Bill Action: SENATE FILE 2304 (SSB 2264), a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst and Waldstein. Nays, none. Absent or not voting, 1: Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 11:38 a.m.

EDUCATION

Convened: April 14, 1982, 8:35 a.m.

Members Present: Gratiyas, Chair; Carney, Vice Chair; Brown, Ranking Member (arrived 8:40 a.m.); Anderson, Dreeszen, Jensen, Taylor and Wells.

Members Absent: DeKoster and Small.

Final Bill Action: SENATE FILE 2302, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gratias, Carney, Brown, Anderson, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 2: DeKoster and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 115, a resolution proclaiming April, 1982, as "Reading Month in Iowa", with particular emphasis on activities on April 15, 1982.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gratias, Carney, Anderson, Dreeszen, Jensen, Taylor and Wells. Nays, none. Absent or not voting, 3: Brown, DeKoster and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:43 a.m.

PRESENTATION OF VISITORS

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

Thirty-one students from Halbur-Templeton-Roselle Parochial School, Templeton, Iowa, accompanied by Ms. Lillian Schouten and Mr. Tony Weiler. Senator Hutchins.

Seventy-five students from Whittier Elementary School, Indianola, Iowa, accompanied by Mrs. Taylor, Mrs. Eddy and Mr. Coulter. Senator Van Gilst.

Forty-two students from St. Paul's Lutheran Elementary School, Waverly, Iowa. Senator Jensen.

Sixty students from Brooklyn Elementary School, Brooklyn, Iowa, accompanied by Diane Norden. Senator Husak.

Students from Beaman-Conrad-Liscomb Community School, Conrad, Iowa, accompanied by John Ehn and Mary Pieper. Senator Jensen.

Fifty students from Fairfield Junior High School, Fairfield, Iowa, accompanied by Mrs. Franklin. Senator Schwengels.

Twenty-six students from South Tama Schools, Tama, Toledo and Chelsea, Iowa, accompanied by Mrs. Shirley Franklin. Senator Husak.

Senator Priebe presented Ama Mutukumarana from Srilanka and Ricardo Tico from Argentina, American Field Service exchange students, who were visiting Iowa as guests of the Algona Kiwanis Club and Senator Priebe.

President Branstad welcomed the Honorable Vera H. Shivvers, former member of the Senate from Marion County, who was present in the Senate Chamber.

AMENDMENTS FILED

S—5576	H.F.	2463	Norman Rodgers C.W. Bill Hutchins Gary L. Baugher Tom Slater Bass Van Gilst Arne Waldstein George R. Kinley Elvie L. Dreeszen A.R. Bud Kudart Clarence S. Carney
S—5577	S. F.	387	House Amendment
S—5578	H.F.	2463	Ray Taylor
S—5579	S. F.	2204	House Amendment
S—5580	S. F.	2243	House Amendment
S—5581	S. F.	2153	Arthur A. Small, Jr.
S—5582	S. F.	2295	Gary L. Baugher
S—5583	S. F.	2153	Arthur A. Small, Jr.

S—5584	S. F.	2299	Jack W. Hester
S—5585	S. F.	2299	Clarence S. Carney
S—5586	S. F.	2251	Edgar H. Holden
S—5587	H.F.	2351	Bob Rush
S—5588	S. F.	2304	Gary L. Baugher
S—5589	S. F.	2295	Gary L. Baugher
S—5590	S. F.	2304	Richard F. Drake
S—5591	S. F.	2295	Forrest V. Schwengels
S—5592	S. F.	2304	Richard F. Drake
			C.W. Bill Hutchins
			John W. Jensen
			Bob Carr
			William D. Palmer
S—5593	S. F.	2295	Forrest V. Schwengels
S—5594	S. F.	2304	Berl E. Priebe
S—5595	S. F.	2239	Bob Carr
S—5596	S. F.	2304	Berl E. Priebe
S—5597	S. F.	2239	James D. Wells
S—5599	S. F.	2299	Dick Ramsey
S—5600	S. F.	2304	Berl E. Priebe
S—5601	S. F.	2299	Arthur A. Small, Jr.
S—5602	H.F.	2369	C.W. Bill Hutchins
			Alvin V. Miller
			Joe Brown
S—5603	H.F.	2368	Bob Rush
			A.R. Bud Kudart

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:15 p.m., until 9:00 a.m., Thursday, April 15, 1982.

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 15, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend Steve Sorensen, pastor of the Riverside Friends Church, Mason City, Iowa.

The Journal of Wednesday, April 14, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M.U. Broers, M.D., Schleswig, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 559, a bill for an act deleting the population requirement for counties to levy a tax for the operation, maintenance, and management of a health center.

ALSO: That the House has on April 13, 1982, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 549, a bill for an act relating to the taxable status of property acquired in connection with the establishment, improvement, and maintenance of a public road and the collection of property taxes on the property.

Senate File 2221, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties.

Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication.

ALSO: That the House has on April 13, 1982, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 2240, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229.

House File 2355, a bill for an act to exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars.

House File 2398, a bill for an act relating to a penalty for taking certain game and fish in violation of law.

House File 2411, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction.

ALSO: That the House has on April 13, 1982, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations.

ALSO: That the House has on April 13, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2474, a bill for an act to provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication.

This bill was read first time and referred to the committee on **Ways and Means**.

House File 2475, a bill for an act relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date.

This bill was read first time and referred to the committee on **Ways and Means**.

House File 2476, a bill for an act relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance.

This bill was read first time and referred to the committee on **Appropriations**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hultman for the morning session on request of Senator Nystrom.

SPECIAL GUESTS

Senator Bisenius presented Consul Gen. Stephen S. F. Chen, Director, Chicago Office, Coordination Council for North American Affairs, Republic of China; William Sun, Director of Chicago Office, Commercial Division, Coordination Council for North American Affairs; and Ni, Kung-Chao, Director, Chinese Information Service, Chicago.

Mr. Chen spoke briefly to the Senate and said their purpose for visiting Iowa was to promote friendship and good will of the free Chinese on Taiwan and to expand trade and cultural incentives with America.

UNFINISHED BUSINESS (Deferred March 12, 1982)

House File 2090

The Senate resumed consideration of House File 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course, deferred on March 12, 1982.

Senator Jensen offered amendment S—5526 filed by Senators Drake and Jensen on April 7, 1982, to page 1 of the bill.

Senator Gratias asked unanimous consent that further action on amendment S—5526 be deferred.

Senator Gratias withdrew his request for deferral.

Senator Jensen moved the adoption of amendment S—5526, which motion prevailed by a voice vote.

Senator Brown called up the motion to reconsider the vote by which amendment S—5105 was adopted by the Senate on March 12, 1982, filed by him on April 14, 1982, found on page 1208 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. 2090) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Anderson	Baughner	Briles	Brown
Carr	Coleman	Gallagher	Goodwin
Gratias	Husak	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Readinger	Rodgers	Rush
Slater	Van Gilst	Wells	

Nays, 24:

Bisenius	Carney	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Hester	Holden
Hulse	Jensen	Kudart	Lura
Murray	Nystrom	Ramsey	Schwengels
Small	Taylor	Vande Hoef	Yenger

Absent or not voting, 3:

Hultman	Tieden	Waldstein
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The motion lost.

The Chair ruled the motion to reconsider amendment S—5105 filed by Senator Carr on April 13, 1982, and found on page 1180 of the Senate Journal, out of order.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2090) the vote was:

Ayes, 32:

Anderson	Baughner	Bisenius	Carney
Coleman	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Holden	Hulse	Jensen	Kudart
Lura	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Small	Taylor	Vande Hoef	Van Gilst

Nays, 15:

Briles	Brown	Carr	Gratias
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Rush
Slater	Wells	Yenger	

Absent or not voting, 3:

Hultman	Tieden	Waldstein
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

UNFINISHED BUSINESS

(Pending March 31, 1982)

House File 764

The Senate resumed consideration of House File 764, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities, and taking effect upon publication, amendment S—5088, as amended, and amendment S—5423 to amendment S—5088, pending on March 31, 1982.

Senator Comito offered amendment S—5425 filed by him on March 31, 1982, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5425 be adopted?" (H.F. 764) the vote was:

Ayes, 8:

Bisenius	Comito	DeKoster	Gallagher
Holden	Miller, C.P.	Ramsey	Rush

Nays, 38:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Hulse	Husak	Hutchins	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Schwengels	Slater
Small	Taylor	Vande Hoef	Van Gilst
Wells	Yenger		

Absent or not voting, 4:

Hultman	Jensen	Tieden	Waldstein
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Amendment S—5425 lost.

Senator Holden offered amendment S—5458 filed by him on April 2, 1982, to page 1 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the remainder of the morning on request of Senator Junkins.

BUSINESS PENDING

House File 764

The Senate resumed consideration of House File 764 and amendment S—5458.

Senator Holden moved the adoption of amendment S—5458.

A non record roll call was requested.

The ayes were 14, nays 30.

Amendment S—5458 lost.

The Senate resumed consideration of amendment S—5088, as amended, to page 1 of the bill, deferred on March 31, 1982.

Senator Small withdrew amendment S—5423 to amendment S—5088, deferred on March 31, 1982.

Senator Holden moved the adoption of amendment S—5088 as amended.

A record roll call was requested.

On the question "Shall amendment S—5088 as amended be adopted?" (H.F. 764) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Baughner	Bisenius	Briles	Comito
Craft	DeKoster	Doyle	Gallagher
Goodwin	Holden	Husak	Hutchins
Jensen	Junkins	Kinley	Miller, C.P.
Palmer	Priebe	Ramsey	Rodgers
Rush	Tieden	Wells	

Nays, 23:

Anderson	Brown	Carney	Carr
Deluhery	Dreeszen	Gentleman	Gratias
Hester	Hulse	Kudart	Lura
Miller, A.V.	Murray	Nystrom	Readinger
Schwengels	Slater	Small	Taylor
Vande Hoef	Van Gilst	Yenger	

Absent or not voting, 4:

Coleman	Drake	Hultman	Waldstein
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Amendment S—5088 as amended lost.

Senator Small withdrew amendment S—5439 filed by him on March 31, 1982, to page 2 of the bill.

Senator Lura took the chair at 10:05 a.m.

Senator Baughner asked and received unanimous consent that further action on **House File 764** be deferred.

UNFINISHED BUSINESS
(Deferred April 2, 1982)

House File 777

The Senate resumed consideration of House File 777, a bill for an act relating to assignments of instruments and accounts, deferred on April 2, 1982.

Senator Kudart offered amendment S—5151 filed by the committee on Judiciary on February 24, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5151 was adopted by a voice vote.

Senator Carr offered amendment S—5186 filed by him on March 3, 1982, to page 1 of the bill, moved its adoption and requested a non record roll call.

The ayes were 19, nays 25.

Amendment S—5186 lost.

Senator Anderson offered amendment S—5327 filed by Senators Anderson, Carr and Gallagher on March 22, 1982, to pages 1 and 2 of the bill.

Senator Rush raised the point of order that amendment S—5327 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5327 out of order.

President Branstad took the chair at 10:42 a.m.

Senator Husak took the chair at 10:50 a.m.

Senator Carr offered amendment S—5316 filed by him on March 19, 1982, to pages 1 and 2 of the bill, moved its adoption and requested a non record roll call.

The ayes were 15, nays 31.

Amendment S—5316 lost.

Senator Carr offered amendment S—5323 filed by Senators Carr, et al., on March 22, 1982, to page 2 of the bill and moved its adoption.

Senator Rush raised the point of order that amendment S—5323 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5323 out of order.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 777) the vote was:

Ayes, 38:

Baughner	Bisenius	Briles	Carney
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Goodwin	Gratias
Hester	Hulse	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Murray	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 7:

Anderson	Brown	Carr	Gallagher
Miller, C.P.	Palmer	Slater	

Absent or not voting, 5:

Coleman	Comito	Gentleman	Holden
Hultman			

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

UNFINISHED BUSINESS

(Deferred April 7, 1982)

House File 744

The Senate resumed consideration of House File 744, a bill for an act relating to pre-trial and post-trial criminal procedures, deferred on April 7, 1982.

Senator Ramsey offered amendment S—5112 filed by the committee on Judiciary on February 18, 1982, to pages 1 through 3 of the bill.

Senator DeKoster offered amendment S—5608 filed by him from the floor to amendment S—5112 and moved its adoption.

Amendment S—5608 was adopted by a voice vote.

Senator Ramsey moved the adoption of amendment S—5112 as amended, which motion prevailed by a voice vote.

Senator Ramsey offered amendment S—5611 filed by Senators Ramsey, DeKoster and Baugher from the floor to page 4 of the bill.

Senator Ramsey asked and received unanimous consent that further action on **House File 744** and amendment S—5611 be **deferred**.

UNFINISHED BUSINESS (Deferred April 7, 1982)

House File 2464

The Senate resumed consideration of House File 2464, a bill for an act relating to the Iowa small business loan program, deferred on April 7, 1982.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2464) the vote was:

Ayes, 45:

Anderson	Baugher	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Holden	Hulse	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Coleman	Gentleman	Hester
Hultman			

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, 1982)

House File 2430

The Senate resumed consideration of House File 2430, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings, deferred on April 8, 1982.

Senator Carr moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2430) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 1:

DeKoster

Absent or not voting, 4:

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

UNFINISHED BUSINESS
(Deferred April 8, 1982)

House File 2368

The Senate resumed consideration House File 2368, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges, deferred on April 8, 1982.

Senator Rush offered amendment S—5603 filed by Senators Rush and Kudart on April 14, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5603 was adopted by a voice vote.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2368) the vote was:

Ayes, 44:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Dreeszen
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Ramsey

Absent or not voting, 5:

Bisenius	Coleman	Drake	Gallagher
Gentleman			

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

BUSINESS PENDING

House File 764

The Senate resumed consideration of House File 764, previously deferred.

Senator Priebe offered amendment S—5617 filed by Senators Priebe and Baugher from the floor to page 1 of the bill.

Senator Comito asked unanimous consent that action on amendment S—5617 be deferred.

Senator Comito withdrew his request for deferral.

(House File 764 and amendment S—5617 pending on recess.)

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 1982, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 796, a bill for an act providing for the issuance of a restricted license for certain persons between the ages of sixteen and eighteen.

ALSO: That the House has on April 13, 1982, concurred in Senate amendment as amended, and passed the following bills in which the concurrence of the House was asked:

House File 828, a bill for an act to redefine the duties of the state historical department and to provide for the appointment of an executive director and a state historical board.

House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 124

By: Waldstein

1 *Whereas*, the major industry in Iowa is farming and
 2 farm related activities and soil erosion is a problem
 3 of considerable magnitude which could result in the
 4 decline of Iowa's major industry; and
 5 *Whereas*, soil conservation laws have been in the
 6 Code of Iowa for over forty years and the general
 7 assembly continually proposes and at times enacts
 8 changes or additions to soil conservation laws; and
 9 *Whereas*, it is important to the members of the
 10 general assembly that they are aware of and have an
 11 overall understanding of the laws and rules per-
 12 taining to soil conservation to enable them to
 13 provide for the efficient implementation of the
 14 purposes of the laws and rules; *Now Therefore*,
 15 *Be It Resolved by the House of Representatives*,
 16 *the Senate Concurring*, That the legislative council
 17 establish a committee to study during the 1982
 18 interim Iowa's soil conservation laws and rules
 19 and to provide by January, 1983 to the general
 20 assembly its report and recommendations along with
 21 any compilation of laws or rules pertaining to
 22 soil conservation that may have been done.

Read first time and referred to the committee on **Rules and Administration**.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:55 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:40 p.m., Senator Coleman presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

President Branstad took the chair at 1:45 p.m.

MOTIONS TO RECONSIDER WITHDRAWN

House File 748

Senator Small withdrew the motion to reconsider House File 748, a bill for an act requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders, filed by him on April 5, 1982, and found on page 1046 of the Senate Journal.

Senate File 2292

Senator Gallagher withdrew the motion to reconsider Senate File 2292, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price, filed by him on April 14, 1982, and found on page 1208 of the Senate Journal.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senate Concurrent Resolution 109

On motion of Senator Carney, Senate Concurrent Resolution 109, a resolution petitioning Congress regarding student aid programs, filed March 17, 1982, and found on pages 791-792 of the Senate Journal, was taken up for consideration.

Senator Carney asked and received unanimous consent that **House Concurrent Resolution 131** be substituted for **Senate Concurrent Resolution 109**.

House Concurrent Resolution 131

On motion of Senator Carney, House Concurrent Resolution 131, a resolution petitioning Congress regarding student aid programs, filed April 1, 1982, and found on pages 978-979 of the Senate Journal, was taken up for consideration.

Senator Carney moved the adoption of House Concurrent Resolution 131, which motion prevailed by a voice vote.

WITHDRAWN

Senator Carney asked and received unanimous consent that **Senate Concurrent Resolution 109** be withdrawn from further consideration of the Senate.

Senate File 2191

On motion of Senator Jensen, Senate File 2191, a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Priebe offered amendment S—5134 filed by Senators Priebe and Husak on February 22, 1982, to page 1 of the bill and moved its adoption.

Amendment S—5134 was adopted by a voice vote.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2191) the vote was:

Ayes, 38:

Baughner	Briles	Brown	Craft
Deluhery	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Priebe	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 6:

Carr	Coleman	DeKoster	Doyle
Gallagher	Ramsey		

Absent or not voting, 6:

Anderson	Bisenius	Carney	Comito
Kinley	Palmer		

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

House File 2339

On motion of Senator Baugher, House File 2339, a bill for an act to prohibit bail following conviction of a forcible felony, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kudart offered amendment S—5378 filed by the committee on Judiciary on March 25, 1982, to page 1 of the bill.

Senator Kudart offered amendment S—5456 filed by him on April 2, 1982, to amendment S—5378 and moved its adoption.

Amendment S—5456 was adopted by a voice vote.

Senator Kudart moved the adoption of amendment S—5378 as amended, which motion prevailed by a voice vote.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2339) the vote was:

Ayes, 46:

Anderson	Baugher	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Bisenius Gentleman Kinley Palmer

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

House File 2393

On motion of Senator Waldstein, House File 2393, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Waldstein offered amendment S—5533 filed by the committee on Appropriations on April 8, 1982, to page 2 of the bill and moved its adoption.

Amendment S—5533 was adopted by a voice vote.

Senator Small offered amendment S—5553 filed by him on April 13, 1982, to page 3 of the bill and moved its adoption.

Amendment S—5553 was adopted by a voice vote.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2393) the vote was:

Ayes, 42:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Goodwin	Gratias
Hester	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 6:

Carr	Gallagher	Holden	Rush
Slater	Small		

Absent or not voting, 2:

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

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

The Senate resumed session, President Branstad presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 276

Senator Rush called up for consideration, Senate File 276, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1, effective date, amended by the House in House amendment S—5528 filed April 8, 1982.

Senator Rush offered amendment S—5570 filed by him on April 13, 1982, to pages 1 and 2 of House amendment S—5528 and moved its adoption.

Amendment S—5570 was adopted by a voice vote.

Senator DeKoster offered amendment S—5552 filed by Senators DeKoster, Kudart and Rush on April 12, 1982, to page 2 of House amendment S—5528, moved its adoption and requested a non record roll call.

The ayes were 21, nays 27.

Amendment S—5552 lost.

Senator Rush offered amendment S—5575 filed by him on April 13, 1982, to page 2 of House amendment S—5528 and moved its adoption.

A non record roll call was requested.

The ayes were 46, nays none.

Amendment S—5575 was adopted.

Senator Rush moved that the Senate concur in House amendment S—5528 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 by a voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 276) the vote was:

Ayes, 47:

Anderson	Baugher	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Kudart

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.

Senator Hultman asked and received unanimous consent that **Senate File 276** be immediately messaged to the House.

Senator Craft took the chair at 3:18 p.m.

UNFINISHED BUSINESS
(Deferred April 14, 1982)

Senate File 2299

The Senate resumed consideration of Senate File 2299, a bill for an act relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, providing for conditions upon which free samples may be distributed, providing for penalty and interest for unpaid or delinquent taxes, the time period in which a hearing must be held when a protest is filed, waiver of penalty and reduction or abatement of interest by the director, and repealing the Iowa unfair cigarette sales Act and the one-time inventory tax refund, deferred on April 14, 1982.

Senator Comito called up the motion to reconsider the vote by which amendment S—5517 to page 5 and the title page of the bill was adopted by the Senate on April 14, 1982, filed by him on April 14, 1982, found on page 1208 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. 2299) the vote was:

Ayes, 24:

Baughner	Bisenius	Comito	Craft
DeKoster	Deluhery	Drake	Gallagher
Gentleman	Holden	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Palmer
Ramsey	Readinger	Rush	Small
Taylor	Waldstein	Wells	Yenger

Nays, 25:

Anderson	Brown	Carney	Carr
Coleman	Doyle	Dreeszen	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Murray	Nystrom	Priebe	Rodgers
Schwengels	Slater	Tieden	Vande Hoef
Van Gilst			

Absent or not voting, 1:

Briles

The motion lost.

President Branstad took the chair at 3:55 p.m.

Senator Lura took the chair at 4:03 p.m.

Senator Drake offered amendment S—5621 filed by Senators Drake, Kinley and Holden from the floor to page 1 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—5621 be adopted?” (S.F. 2299) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Baughner	Bisenius	Briles	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Holden	Kinley
Kudart	Lura	Miller, C.P.	Palmer
Ramsey	Readinger	Rush	Small
Taylor	Waldstein	Wells	Yenger

Nays, 26:

Anderson	Brown	Carney	Carr
Coleman	Doyle	Dreeszen	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Murray	Nystrom	Priebe
Rodgers	Schwengels	Slater	Tieden
Vande Hoef	Van Gilst		

Amendment S—5621 lost.

Senator Ramsey offered amendment S—5599 filed by him on April 14, 1982, to page 5 of the bill.

Senator Rodgers raised the point of order that amendment S—5599 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5599 in order.

Senator Ramsey moved the adoption of amendment S—5599.

A record roll call was requested.

On the question “Shall amendment S—5599 be adopted?” (S.F. 2299) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Baughner	Bisenius	Briles	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Holden	Kudart
Lura	Miller, C.P.	Palmer	Priebe
Ramsey	Rush	Small	Taylor
Waldstein	Wells	Yenger	

Nays, 26:

Anderson	Brown	Carney	Carr
Coleman	Doyle	Dreeszen	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Murray	Nystrom	Readinger
Rodgers	Schwengels	Slater	Tieden
Vande Hoef	Van Gilst		

Absent or not voting, 1:

Kinley

Amendment S—5599 lost.

Senator Comito offered amendment S—5622 filed by Senators Comito, Baughner and Jensen from the floor to page 5 and to the title page of the bill.

Senator Rodgers raised the point of order that amendment S—5622 was not germane to the bill.

Senator Rodgers withdrew his point of order.

President Branstad took the chair at 4:40 p.m.

Senator Jensen offered amendment S—5625 filed by him from the floor to amendment S—5622 and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 19.

Amendment S—5625 was adopted.

Senator Comito moved the adoption of amendment S—5622 as amended.

A non record roll call was requested.

The ayes were 23, nays 25.

Amendment S—5622 lost.

Senator Yenger offered amendment S—5624 filed by Senators Yenger, et al., from the floor to pages 1, 2 and to the title page of the bill.

Senator Junkins raised the point of order that amendment S—5624 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5624 out of order.

Senator Comito 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—5622 to Senate File 2299 failed to be adopted by the Senate on April 15, 1982.

A non record roll call was requested.

The ayes were 18, nays 30.

The motion lost.

The following motion to reconsider filed by Senator Comito from the floor was out of order:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5625 to amendment S—5622 to Senate File 2299 was adopted by the Senate on April 15, 1982.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2299) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Dreeszen	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Murray	Nystrom	Priebe
Rodgers	Schwengels	Slater	Small
Tieden	Vande Hoef	Van Gilst	

Nays, 22:

Bisenius	Briles	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Gallagher	Gentleman	Holden	Kudart
Lura	Miller, C.P.	Palmer	Ramsey
Readinger	Rush	Taylor	Waldstein
Wells	Yenger		

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.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2299 passed the Senate on April 15, 1982.

GARY L. BAUGHNER

REMOVAL FROM INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: I hereby withdraw my request of March 31, 1982, to place the names of Robert R. Rigler and Austin B. Turner, appointees to the State Transportation Commission, on the "Individual Confirmation Calendar".

BOB CARR

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

Senator Hultman asked and received unanimous consent that Robert R. Rigler and Austin B. Turner be returned to the "Individual Confirmation Calendar."

Senator Hultman called up the appointment of Ronald O. Masters as a member of the Board of Chiropractic Examiners placed on the Individual Confirmation Calendar on March 24, 1982.

Senator Hultman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Gallagher	Kinley	Small	Vande Hoef
Van Gilst			

The Chair declared the appointment confirmed.

Senator Hultman called up the appointment of Donald J. Meylor as a member of the Board of Chiropractic Examiners placed on the Individual Confirmation Calendar on March 24, 1982.

Senator Hultman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Comito	Gallagher	Kinley	Vande Hoef
Van Gilst			

The Chair declared the appointment confirmed.

Senator Hultman called up the appointment of Forrest J. Mitchell as a member of the State Judicial Nominating Commission placed on the Individual Confirmation Calendar on March 15, 1982.

Senator Hultman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Waldstein
Wells	Yenger		

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 7:

Brown	Comito	Gallagher	Kinley
Small	Vande Hoef	Van Gilst	

The Chair declared the appointment confirmed.

Senator Drake called up the Report of Investigating Committee for Mark A. Wampler as a member of the Transportation Regulation Board, filed January 21, 1982, found on pages 158-159 of the Senate Journal and moved its adoption.

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

Senator Drake 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, 34:

Anderson	Baughner	Bisenius	Briles
Carney	Coleman	Comito	Craft
DeKoster	Deluhery	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Waldstein	Yenger		

Nays, 10:

Brown	Carr	Husak	Miller, C.P.
Palmer	Priebe	Rodgers	Rush
Slater	Wells		

Voting present, 1:

Doyle

Absent or not voting, 5:

Gallagher	Kinley	Small	Vande Hoef
Van Gilst			

The Chair declared the appointment confirmed.

Senator Drake called up the Report of Investigating Committee for Robert R. Rigler as a member of the State Transportation Commission filed March 23, 1982, found on page 880 of the Senate Journal and moved its adoption.

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

Senator Drake moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Gallagher	Hester	Kinley	Small
Vande Hoef	Van Gilst		

The Chair declared the appointment confirmed.

Senator Drake called up the Report of Investigating Committee for Austin B. Turner as a member of the State Transportation Commission, filed March 30, 1982, found on page 958 of the Senate Journal and moved its adoption.

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

Senator Drake moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Gallagher	Kinley	Vande Hoef	Van Gilst
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The Chair declared the appointment confirmed.

Senator Kudart called up the Report of Investigating Committee for Wayne W. Gieselman as a member of the Iowa Natural Resources Council, filed March 31, 1982, found on page 968 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, 43:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias

Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Waldstein	Wells	Yenger	

Nays, 1:

Carr

Absent or not voting, 6:

Coleman	Gallagher	Kinley	Priebe
Vande Hoef	Van Gilst		

The Chair declared the appointment confirmed.

Senator Hulse called up the Report of Investigating Committee for Richard R. Ramsey as a member of the Job Service Appeal Board, filed March 18, 1982, found on page 823 of the Senate Journal and moved its adoption.

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

Senator Hulse 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, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Waldstein	Wells
Yenger			

Nays, none.

Voting present, 1:

Ramsey

Absent or not voting, 4:

Gallagher

Kinley

Vande Hoef

Van Gilst

The Chair declared the appointment confirmed.

Senator Gratias called up the Report of Investigating Committee for Lucas J. DeKoster as a member of the State Board of Public Instruction, filed March 31, 1982, found on page 968 of the Senate Journal and moved its adoption.

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

Senator Gratias moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Waldstein	Wells	Yenger

Nays, none.

Voting present, 1:

DeKoster

Absent or not voting, 5:

Comito

Gallagher

Kinley

Vande Hoef

Van Gilst

The Chair declared the appointment confirmed.

Senator Hultman asked and received unanimous consent to take up the appointment of Stephen W. Ballou.

Senator Kudart called up the Report of Investigating Committee for Stephen W. Ballou as Director of the Department of Environmental Quality, filed March 31, 1982, found on page 968 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, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Comito	Gallagher	Kinley	Vande Hoef
Van Gilst			

The Chair declared the appointment confirmed.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Stephen W. Ballou was confirmed by the Senate.

BOB RUSH

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 15th day of April, 1982:

Senate Files 2088 and 2243.

K. MARIE THAYER
Secretary of the Senate

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate when the final vote was taken on House File 2393.

Had I been, I would have voted "aye".

JULIA GENTLEMAN

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	123	State Government
S. R.	114	Rules and Administration

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2090 passed the Senate on April 15, 1982.

TED ANDERSON

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable John Walsh, former member of the Senate from Dubuque County, who was present in the Senate chamber.

Senator Jensen presented Dottie Heering of the Waverly-Shell Rock Community Schools, Iowa's reading teacher of the year, who was present in the Senate chamber in recognition as April being proclaimed by the Governor as "Reading Month in Iowa."

The Chair welcomed the Honorable Robert Burns, former member of the Senate from Johnson County, who was present in the Senate chamber.

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

Forty-five students from Rockwell-Swaledale High School, Rockwell, Iowa, accompanied by Jim Fredrickson. Senator A. Miller.

Twenty-one students from Peoria Christian Elementary School, Peoria, Iowa, accompanied by Glen Stryker. Senator Brown.

Seventy students from Garner-Hayfield Junior High School, Garner, Iowa, accompanied by Dan Nielson. Senator Taylor.

Seventeen 4-H County Officers from Henry and Des Moines Counties, accompanied by Les Schoffelman of Mount Pleasant and three other leaders. Senator C. Miller.

Twenty students from New Market Junior-Senior High School, New Market, Iowa, accompanied by Dale Healy and Karen Woodard. Senator Briles.

Eleven Clinton County 4-H council members, accompanied by Nancy Tometich, 4-H Youth Leader and Mrs. Janice Ketelsen. Senator Goodwin.

President Branstad welcomed Eva-Maria Schwarz from Copenhagen, Denmark, exchange student who was present in the Senate chamber as the guest of Senator Junkins.

AMENDMENTS FILED

S-5604	S. F.	2253	House Amendment
S-5605	S. F.	549	House Amendment
S-5606	S. F.	2221	House Amendment
S-5607	H.F.	2357	House Amendment
S-5608	H.F.	744	Lucas J. DeKoster

S-5609	S. F.	2304	Clarence S. Carney Ted Anderson
S-5610	H.F.	2351	Bob Rush
S-5611	H.F.	744	Dick Ramsey Lucas J. DeKoster Gary L. Baugher
S-5612	S. F.	2304	Tom Slater Arne Waldstein
S-5613	H.F.	828	House Amendment
S-5614	H.F.	2250	House Amendment
S-5615	S. F.	2304	Arne Waldstein
S-5616	S. F.	2304	Arne Waldstein
S-5617	H.F.	764	Berl E. Priebe Gary L. Baugher
S-5618	H.F.	744	Lucas J. DeKoster
S-5619	H.F.	2435	Julia Gentleman Bob Carr
S-5620	S. F.	2304	Tom Slater
S-5621	S. F.	2299	Richard F. Drake George R. Kinley Edgar H. Holden
S-5622	S. F.	2299	Richard Comito Gary L. Baugher John W. Jensen
S-5623	S. F.	2304	Gary L. Baugher Tom Slater Mick Lura Ray Taylor Julia Gentleman
S-5624	S. F.	2299	Sue Yenger Arthur A. Small, Jr. Richard Comito Gary L. Baugher
S-5625	S. F.	2299	John W. Jensen
S-5626	S. F.	2295	Bass Van Gilst
S-5627	S. F.	2295	Edgar H. Holden
S-5628	S. F.	2295	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 6:00 p.m., until 9:00 a.m., Friday, April 16, 1982.

JOURNAL OF THE SENATE

NINETY-SIXTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 16, 1982

The Senate met in regular session at 9:05 a.m., President Branstad presiding.

Prayer was offered by Dr. Roy Pasley, pastor of the First Baptist Church, Boone, Iowa.

The Journal of Thursday, April 15, 1982, was approved.

UNFINISHED BUSINESS (Deferred April 12, 1982)

Senate File 2216

The Senate resumed consideration of Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program, and House amendment S—5420, deferred on April 12, 1982.

Senator Schwengels offered amendment S—5562 filed by Senators Schwengels and Gallagher on April 13, 1982, to page 1 of House amendment S—5420 and moved its adoption.

Amendment S—5562 was adopted by a voice vote.

Senator Schwengels moved that the Senate concur in House amendment S—5420 as amended.

The motion prevailed by a voice vote 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2216) the vote was:

Ayes, 37:

Anderson

Baughner

Briles

Brown

Carney	Carr	Coleman	Craft
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hulse	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Priebe
Rodgers	Rush	Schwengels	Slater
Small	Tieden	Van Gilst	Wells
Yenger			

Nays, 2:

Holden Waldstein

Absent or not voting, 11:

Bisenius	Comito	DeKoster	Hultman
Kinley	Murray	Palmer	Ramsey
Readinger	Taylor	Vande Hoef	

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 April 12, 1982)

Pertaining to the point of order raised by Senator Junkins on April 12, 1982, and found on page 1142 of the Senate Journal that **Senate File 464**, as amended by the House, should be referred to the committee on Appropriations, the Chair ruled the point not well taken under Joint Rule 11, stating that when a bill which originated in one house is amended in the other house, the house originating the bill may amend the amendment, concur in full in the amendment, or refuse to concur in full in the amendment.

HOUSE AMENDMENTS CONSIDERED

Senate File 2245

Senator Gentleman called up for consideration Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, amended by the House in House amendment S—5503 filed April 7, 1982.

Senator Gentleman withdrew amendment S—5551 filed by her on April 12, 1982, to House amendment S—5503.

Senator Gentleman offered amendment S—5573 filed by her on April 13, 1982, to House amendment S—5503.

Senator Tieden asked and received unanimous consent that further action on **Senate File 2245**, House amendment S—5503 and amendment S—5573 to House amendment S—5503 be **deferred**.

Senate File 256

Senator Rush called up for consideration Senate File 256, a bill for an act relating to the powers of credit unions as these relate to amendment of bylaws, reciprocity, amount to be loaned to a member, merger, language contained in a share draft instrument, share draft reserves, and gifts to minors, amended by the House, and moved that the Senate concur in House amendment S—5558 filed April 13, 1982.

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 by a voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 256) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

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.

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

The Senate resumed session, Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 2240, a bill for an act repealing the statutes relating to certain appliances equipped with a pilot light.

ALSO: That the House has on April 14, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 362, a bill for an act relating to the state sales, services and use tax by allowing retailers to provide their own tax exemption certificates.

Senate File 2291, a bill for an act to make provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive.

ALSO: That the House has on April 1, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems.

ALSO: That the House has on April 14, 1982, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 303, a bill for an act relating to the registration of group day care home providers.

House File 2344, a bill for an act relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance.

House File 2346, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate.

House File 2453, a bill for an act relating to the dollar limitation on the administration of certain small estates.

ALSO: That the House has on April 14, 1982, concurred in Senate amendment as amended, and passed the following bills in which the concurrence of the House was asked:

House File 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority.

House File 2442, a bill for an act relating to custody of children upon dissolution of marriage.

ALSO: That the House has on April 13, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2478, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax.

This bill was read first time and referred to the committee on **Ways and Means**.

ALSO: That the House has on April 14, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2482, a bill for an act to appropriate federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication.

This bill was 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 Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Goodwin for the remainder of the day on request of Senator Hultman.

UNFINISHED BUSINESS

(Deferred April 13, 1982)

House File 2369

The Senate resumed consideration of House File 2369, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, and amendments S—5493 and S—5569, deferred on April 13, 1982.

Senator Husak asked and received unanimous consent that action on amendment S—5493 be deferred.

Senator DeKoster asked and received unanimous consent that action on amendment S—5569 be deferred.

Senator Hutchins offered amendment S—5635 filed by Senators Hutchins, Miller of Cerro Gordo and Brown from the floor to page 4 of the bill and moved its adoption.

Amendment S—5635 was adopted by a voice vote.

With the adoption of amendment S—5635, the Chair ruled the following amendments out of order:

S—5493 by Senators Husak and Brown to page 4 of the bill, previously deferred.

S—5569 by Senators Comito, et al., to page 4 of the bill, previously deferred.

S—5602 filed by Senators Hutchins, Miller of Cerro Gordo and Brown on April 14, 1982, to page 4 of the bill.

S—5629 filed by Senator Hutchins on April 16, 1982, to amendment S—5602.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2369) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Briles	Coleman	Comito	Goodwin
Lura			

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 that **House File 2369** be immediately messaged to the House.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2302

Education
 Gratias, Chair
 Carney
 Brown

**SENATE CONCURRENT
 RESOLUTION 115**

Education
 Jensen, Chair
 Wells
 Dreeszen

**SENATE CONCURRENT
 RESOLUTION 121**

Rules and Administration
 Hultman, Chair
 Junkins
 Holden

SSB 2266

Ways and Means
 Holden, Chair
 Craft
 Rodgers

SENATE FILE 2303

Judiciary
 Lura, Chair
 Small
 Doyle

**SENATE CONCURRENT
 RESOLUTION 120**

Rules and Administration
 Hultman, Chair
 Junkins
 Holden

SSB 2265

Ways and Means
 Readinger, Chair
 Craft
 Rodgers

COMMUNICATION

The following communication was filed with the Secretary of the Senate on April 15, 1982:

April 15, 1982

Ms. K. Marie Thayer
 Secretary of the Senate
 State Capitol Building
 LOCAL

Dear Ms. Thayer:

Included in our Supplemental Listing of January 14, 1982, was a claim from Midwest Intercity Ambulance of Sioux City, Iowa, for \$448.75 which was disapproved by the State Appeal Board on January 12, 1982 (claim #10642-69-25). This claim was reconsidered by the Appeal Board on April 12, 1982, and was approved.

As this claim has now been approved it should be withdrawn from consideration by the Claims Committee.

Very truly yours,
RONALD J. AMOSSON
Executive Secretary
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

K. MARIE THAYER
Secretary of the Senate

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2299 passed the Senate on April 15, 1982.

JACK W. HESTER

REPORT OF COMMITTEE MEETING

JUDICIARY

Convened: April 15, 1982, 6:00 p.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Small, Taylor and Baugher.

Members Absent: Rush, Ranking Member and Ramsey.

Final Bill Action: SENATE FILE 2303, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Kudart, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Small, Taylor and Baugher. Nays, 1: DeKoster. Absent or not voting, 2: Rush and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 6:15 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. Senator Baugher.

Fifty adults from North Iowa Vocational Center, Mason City, Iowa, accompanied by Larry Dodd. Senator A. Miller.

The following visitors were present in the Senate gallery:

Twenty-four students from Orient Elementary School, Orient, Iowa, accompanied by Mr. Clark and Mr. Platt. Senators Rodgers and Ramsey.

Fifty-five students from Crestview Elementary School, Clive, Iowa, accompanied by Sarah Sedgwick. Senator Gentleman.

AMENDMENTS FILED

S—5629	H.F.	2369	C.W. Bill Hutchins
S—5630	S. F.	2178	House Amendment
S—5631	H.F.	2363	House Amendment
S—5632	H.F.	2442	House Amendment
S—5633	H.F.	764	Lucas J. DeKoster
S—5634	S. F.	2221	Arne Waldstein
S—5635	H.F.	2369	C.W. Bill Hutchins Alvin V. Miller Joe Brown

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 1:05 p.m., until 10:00 a.m., Monday, April 19, 1982.

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 19, 1982

The Senate met in regular session at 10:08 a.m., President Branstad presiding.

Prayer was offered by the Honorable Bill Dieleman, member of the House of Representatives from Marion County, Pella, Iowa.

The Journal of Friday, April 16, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rochelle Levy, D.O., Resident at Lutheran Hospital, Des Moines, Iowa.

SPECIAL GUESTS

Senator Nystrom appeared in the well of the Senate and presented Darlene Frazier from Boone, Iowa's 1981-1982 Teacher of the Year. Ms. Frazier was accompanied by Dr. Robert D. Benton, State Superintendent of the Department of Public Instruction and Bessie Gerstenberger, Educational Consultant and Teacher of the Year Chairperson.

Dr. Benton presented a plaque to Ms. Frazier from the sponsoring groups of the National Teacher of the Year designating her as one of the four state finalists for the National Teacher of the Year and her placement on the National Teacher of the Year Honor Roll for 1981-82.

Ms. Frazier addressed the Senate briefly and encouraged the members of the Senate to continue giving top priority legislation for education.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

ALSO: That the House has on April 14, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2234, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 125

By: Hultman, Junkins, Baugher, Anderson, Bisenius,
Brown, Briles, Carr, Carney, Coleman, Comito,
Deluhery, Craft, Doyle, DeKoster, Gallagher, Drake,
Husak, Dreeszen, Hutchins, Gentleman, Kinley, Goodwin,
Miller of Cerro Gordo, Gratiias, Miller of Des Moines,
Hester, Palmer, Holden, Priebe, Hulse, Rodgers, Jensen,
Rush, Kudart, Slater, Lura, Small, Murray, Van Gilst,
Nystrom, Wells, Ramsey, Readinger, Schwengels, Taylor,
Tieden, Vande Hoef, Waldstein and Yenger

- 1 *Whereas*, farm grain prices have been affected as a
- 2 result of state department policy decisions; and
- 3 *Whereas*, these policies have resulted in embargoes
- 4 of grain sales which have had and are now having a
- 5 disastrous effect on grain prices; and
- 6 *Whereas*, the farm grain storage loan program has
- 7 been cut drastically; and
- 8 *Whereas*, predictions of crop surpluses in the fall
- 9 of 1982 will further affect the price of grain causing
- 10 an unbearable loss to Iowa farmers because of lack of
- 11 storage facilities; and
- 12 *Whereas*, the construction of bins is directly tied to
- 13 the availability of low interest loans over and above
- 14 the working capital needed by farmers to operate; and
- 15 *Whereas*, a meeting was held in Washington, D.C. to
- 16 discuss the grain storage shortage and it was agreed
- 17 that the shortage would likely precipitate a crisis

18 in the agricultural economy; *Now Therefore,*
 19 *Be It Resolved by the Senate, the House Concurring,*
 20 That an immediate assessment of storage requirements be
 21 made by Agricultural Stabilization and Conservation
 22 Service of Iowa; and
 23 *Be It Further Resolved,* That the Federal Agricultural
 24 Stabilization and Conservation Service director be given
 25 the results of the assessment to use to justify a declara-
 26 tion of critical shortage of on-farm storage in Iowa; and
 27 *Be It Further Resolved,* That the Commodity Credit
 28 Corporation grain storage program be reinstated immediately
 29 and funds be appropriated on a standby basis to provide
 30 for ten percent interest rate loans; and

Page 2

1 *Be It Further Resolved,* That the Secretary of
 2 Agriculture, Secretary John Block, investigate a
 3 guaranteed loan program with a ninety percent
 4 guarantee to lenders. An interest subsidy program
 5 should also be examined, which should be in addition
 6 to the Commodity Credit Corporation program; and
 7 *Be It Further Resolved,* That copies of this
 8 resolution be sent to the director of the Agri-
 9 cultural Stabilization and Conservation Service,
 10 the United States Secretary of Agriculture, and
 11 each member of the Iowa congressional delegation.

Read first time and passed on file.

**HOUSE AMENDMENTS TO
 SENATE AMENDMENTS CONSIDERED**

House File 828

Senator Schwengels called up for consideration House File 828, a bill for an act to redefine the duties of the state historical department, to provide for the appointment of an executive director and a state historical board, and to provide that the Act takes effect January 1, 1982, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5613 to Senate amendment H—5656 filed April 15, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 828) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, none.

Absent or not voting, 4:

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

House File 2250

Senator Drake called up for consideration House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5614 to Senate amendment H—5670 filed April 15, 1982.

A non record roll call was requested.

The ayes were 19, nays 28.

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

House File 2357

Senator Readinger called up for consideration House File 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5607 to Senate amendment H—5692 filed April 15, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Readinger 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2357) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Slater	Van Gilst	Waldstein
Wells	Yenger		

Nays, 3:

Taylor	Tieden	Vande Hoef
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Absent or not voting, 5:

Comito	Hultman	Murray	Rodgers
Small			

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

Senator Carney took the chair at 10:30 a.m.

House File 2363

Senator Waldstein called up for consideration House File 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5631 to Senate amendment H—5833 filed April 16, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Waldstein 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2363) the vote was:

Ayes, 46:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	DeLuhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Small

Absent or not voting, 3:

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

House File 2442

Senator Small called up for consideration House File 2442, a bill for an act relating to custody of children upon dissolution of marriage, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5632 to Senate amendment H—5801 filed April 16, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Small 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2442) the vote was:

Ayes, 47:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

HOUSE AMENDMENTS CONSIDERED

Senate File 2178

Senator Nystrom called up for consideration Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems, amended by the House, and moved that the Senate concur in House amendment S—5630 filed April 16, 1982.

The motion lost and the Senate **refused to concur** in the House amendment.

Senate File 2190

Senator Lura called up for consideration Senate File 2190, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities, amended by the House, and moved that the Senate concur in House amendment S—5555 filed April 13, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Lura moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2190) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

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

Senate File 2212

Senator Holden called up for consideration Senate File 2212, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter, amended by the House, and moved that the Senate concur in House amendment S—5556 filed April 13, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2212) the vote was:

Ayes, 47:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senate File 2213

Senator Vande Hoef called up for consideration Senate File 2213, a bill for an act to allow a county board of supervisors to merge

benefited water districts into a single district, amended by the House, and moved that the Senate concur in House amendment S—5557 filed April 13, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Vande Hoef moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2213) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Comito	Goodwin	Gratias	Jensen
Small			

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

Senate File 2215

Senator Schwengels called up for consideration Senate File 2215, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the

agreement, amended by the House, and moved that the Senate concur in House amendment S—5563 filed April 13, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2215) the vote was:

Ayes, 41:

Anderson	Baughner	Bisenius	Briles
Carney	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 2:

Brown	Carr
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Absent or not voting, 7:

Comito	Gratias	Holden	Jensen
Kudart	Murray	Small	

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

Senate File 2286

Senator Schwengels called up for consideration Senate File 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds, amended by the House, and moved that the Senate concur in House amendment S—5554 filed April 13, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2286) the vote was:

Ayes, 44:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Gratias	Holden	Kudart
Small	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 Senate File 2178 be immediately messaged to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 549

Senator Palmer called up for consideration Senate File 549, a bill for an act relating to the taxable status of property acquired in connection with the establishment, improvement, and maintenance of a public road and the collection of property taxes on the property, amended by the House, and moved that the Senate concur in House amendment S—5605 filed April 15, 1982.

The motion prevailed by a voice vote and the Senate concurred in the 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 549) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor
Vande Hoef	Van Gilst	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Gratias	Holden	Small
Tieden	Waldstein		

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

Senate File 2204

Senator Kudart called up for consideration Senate File 2204, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis, amended by the House, and moved that the Senate concur in House amendment S—5579 filed April 14, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass." (S.F. 2204) the vote was:

Ayes, 44:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Baughner	Comito	Gratias	Holden
Small	Waldstein		

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

Senate File 2253

Senator Nystrom called up for consideration Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication, amended by the House, and moved that the Senate concur in House amendment S—5604 filed April 15, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2253) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle

Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

President Branstad took the chair at 11:20 a.m.

Senate File 464

The Senate resumed consideration of Senate File 464, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission, deferred on April 12, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 464) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers

Rush	Schwengels	Slater	Taylor
Tieden	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Comito	Gratias	Holden	Small
Vande Hoef	Van Gilst		

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

Senate File 2221

Senator Waldstein called up for consideration Senate File 2221, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties, amended by the House in House amendment S—5606 filed April 15, 1982.

Senator Waldstein offered amendment S—5634 filed by him on April 16, 1982, to House amendment S—5606 and moved its adoption.

Amendment S—5634 was adopted by a voice vote.

Senator Waldstein moved that the Senate concur in the House amendment as amended, which motion prevailed by a voice vote.

Senator Waldstein 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2221) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger

Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Gratias	Holden	Vande Hoef	Van Gilst
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Noncontroversial Calendar)

Senate File 2298

On motion of Senator Nystrom, Senate File 2298, a bill for an act to legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication, with report of committee recommending passage, was taken up for consideration.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2298) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Waldstein	Wells	Yenger

Nays, 3:

DeKoster	Priebe	Ramsey
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Absent or not voting, 3:

Holden Vande Hoef 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
(Regular Calendar)

House Concurrent Resolution 118

On motion of Senator Yenger, House Concurrent Resolution 118, a resolution relating to evaluating the impact of proposed legislation on Iowa families, filed March 23, 1982, and found on pages 868-869 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **House Concurrent Resolution 118** be deferred.

Senator Hultman asked and received unanimous consent to take up out of order Senate File 2302.

Senate File 2302

On motion of Senator Gratias, Senate File 2302, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983, with report of committee recommending passage, was taken up for consideration.

Senator Gratias moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2302) the vote was:

Ayes, 50:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley

Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

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

PROOF OF PUBLICATION

Proof of publication for Senate File 2303 can be found on page 1018 of the Senate Journal as provided for in House File 2472.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2303.

Senate File 2303

On motion of Senator Lura, Senate File 2303, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property, with report of committee recommending passage, was taken up for consideration.

Senator Lura moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2303) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Ramsey	Readinger	Rodgers

Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 3:

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

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that Senate Files 2298, 2302 and 2303 be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 387

Senator Carr called up for consideration Senate File 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization, amended by the House, and moved that the Senate concur in House amendment S—5577 filed April 14, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 387) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Tieden	Waldstein	Wells
Yenger			

Nays, 5:

DeKoster
Van Gilst

Holden

Taylor

Vande Hoef

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 113.

Senate Concurrent Resolution 113

On motion of Senator Miller of Cerro Gordo, Senate Concurrent Resolution 113, a resolution petitioning the President of the United States to limit the nuclear arms race, filed March 25, 1982, found on pages 904-905 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Miller of Cerro Gordo asked and received unanimous consent that **House Concurrent Resolution 135** be substituted for **Senate Concurrent Resolution 113**.

House Concurrent Resolution 135

On motion of Senator Miller of Cerro Gordo, **House Concurrent Resolution 135**, a resolution petitioning the president of the United States to limit the nuclear arms race, filed April 1, 1982, and found on pages 979-980 of the Senate Journal, was taken up for consideration.

Senator Miller of Cerro Gordo moved the adoption of House Concurrent Resolution 135.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (H.C.R. 135) the vote was:

Ayes, 41:

Anderson
Carr
Deluhery

Baughner
Coleman
Doyle

Brown
Comito
Drake

Carney
DeKoster
Dreeszen

Gallagher	Gentleman	Goodwin	Gratias
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 6:

Bisenius	Hester	Holden	Hulse
Lura	Taylor		

Absent or not voting, 3:

Briles	Craft	Ramsey
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The motion prevailed and the resolution was adopted.

WITHDRAWN

Senator Miller of Cerro Gordo asked and received unanimous consent that **Senate Concurrent Resolution 113** be withdrawn from further consideration of the Senate.

MOTION TO RECONSIDER WITHDRAWN

Senator Rush withdrew the motion to reconsider the vote by which Stephen W. Ballou was confirmed by the Senate as Director of Department of Environmental Quality on April 15, 1982, filed by him on April 15, 1982, and found on page 1245 of the Senate Journal.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 8, 1982

Ms. K. Marie Thayer
 Secretary of the Senate
 State Capitol Building
 LOCAL

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of Jan A. Brown, Ankeny, Polk County, Iowa, for appointment as a member of the State Board

of Dental Examiners pursuant to Section 147.14(4), 1981 Code of Iowa, for a three-year term commencing May 1, 1982, and ending April 30, 1985.

Sincerely,
ROBERT D. RAY
Governor

Communication was read first time and referred to the committee on **Rules and Administration**.

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED (Deferred April 16, 1982)

Senate File 2245

The Senate resumed consideration of Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, House amendment S—5503 and amendment S—5573 to House amendment S—5503, deferred on April 16, 1982.

Senator Gentleman asked and received unanimous consent that action on amendment S—5573 to House amendment S—5503 be deferred.

Senator Gentleman offered amendment S—5639 filed by Senators Gentleman and Lura from the floor to House amendment S—5503 and moved its adoption.

Amendment S—5639 was adopted by a voice vote.

With the adoption of amendment S—5639, the Chair ruled amendment S—5573 to House amendment S—5503, previously deferred, out of order.

Senator Gentleman moved that the Senate concur in House amendment S—5503 as amended.

The motion prevailed by a voice vote 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 by a voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2245) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, C.P.	Murray
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

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 WITHDRAWN

House File 844

Senator Priebe withdrew the motion to reconsider House File 844, a bill for an act relating to the filing of a claim for the homestead credit or military service tax exemption only once and providing that the credit or exemption will be granted without refiling a claim for as long as the person or the person's spouse owns the property designated for the credit or exemption on July 1, providing for a civil penalty, and providing for a January 1 effective date, filed by him on April 14, 1982, and found on page 1208 of the Senate Journal.

MOTION TO RECONSIDER ADOPTED

Senator Carr called up the motion to reconsider House File 800 filed by him on April 14, 1982, found on page 1208 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 800) the vote was:

Ayes, 45:

- | | | | |
|--------------|-----------|-----------|-----------|
| Anderson | Baughner | Bisenius | Briles |
| Brown | Carney | Carr | Coleman |
| Comito | Craft | DeKoster | Deluhery |
| Doyle | Drake | Dreeszen | Gallagher |
| Gentleman | Goodwin | Gratias | Holden |
| Hulse | Hultman | Husak | Hutchins |
| Jensen | Junkins | Kinley | Lura |
| Miller, C.P. | Murray | Palmer | Priebe |
| Ramsey | Readinger | Rodgers | Rush |
| Schwengels | Slater | Small | Taylor |
| Vande Hoef | Van Gilst | Waldstein | Wells |
| Yenger | | | |

Nays, 2:

- | | |
|--------|--------|
| Hester | Tieden |
|--------|--------|

Absent or not voting, 3:

- | | | |
|--------|--------------|---------|
| Kudart | Miller, A.V. | Nystrom |
|--------|--------------|---------|

The motion prevailed.

Senator Carr moved to reconsider the vote by which House File 800 went to its last reading, which motion prevailed by a voice vote.

House File 800

On motion of Senator Readinger, House File 800, a bill for an act relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures, was taken up for reconsideration.

Senator Kudart 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—5444 to House File 800 was adopted by the Senate on April 1, 1982.

A non record roll call was requested.

The ayes were 32, nays 15.

The motion prevailed and amendment S—5444 was taken up for reconsideration.

Senator Holden asked and received unanimous consent to withdraw amendment S—5444 to page 1 of the bill.

Senator Readinger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 800) the vote was:

Ayes, 34:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Craft	Doyle
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Murray	Nystrom	Ramsey
Rodgers	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 14:

Briles	Comito	DeKoster	Deluhery
Drake	Hester	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Readinger
Rush	Small		

Voting present, 1:

Bisenius

Absent or not voting, 1:

Lura

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 2239

On motion of Senator Taylor, Senate File 2239, a bill for an act exempting the sales of tickets or admissions to events sponsored by merged area educational institutions and any county or state fair board from the state sales, services, and use tax, was taken up for consideration.

Senator Wells offered amendment S—5597 filed by him on April 14, 1982, to page 1 of the bill.

Senator DeKoster raised the point of order that amendment S—5597 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5597 out of order.

Senator Carr offered amendment S—5595 filed by him on April 14, 1982, to page 1 and the title page of the bill.

Senator Bisenius asked and received unanimous consent that action on **Senate File 2239** and amendment S—5595 be **deferred**.

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

The Senate resumed session, Senator Carney presiding.

INTRODUCTION OF BILL

Senate File 2305, by Committee on Ways and Means, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date.

Read first time and placed on the Ways and Means Calendar.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senate File 2289

On motion of Senator Readinger, Senate File 2289, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax, was taken up for consideration.

Senator Readinger asked and received unanimous consent that House File 2478 be substituted for Senate File 2289.

House File 2478

On motion of Senator Readinger, House File 2478, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax, was taken up for consideration.

Senator Readinger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2478) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Taylor

Tieden
Wells

Vande Hoef
Yenger

Van Gilst

Waldstein

Nays, none.

Absent or not voting, 4:

Bisenius

Holden

Kudart

Small

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

WITHDRAWN

Senator Readinger asked and received unanimous consent that **Senate File 2289** be withdrawn from further consideration of the Senate.

UNFINISHED BUSINESS (Deferred April 13, 1982)

Senate File 2295

The Senate resumed consideration of Senate File 2295, 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 races and racing meets, imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties for the commission of the acts, deferred on April 13, 1982.

President Branstad took the chair at 3:55 p.m.

Senator Deluhery offered amendment S—5644 filed by Senators Deluhery and Yenger from the floor to pages 1, 2 and 11 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 33, nays 14.

Amendment S—5644 was adopted.

Senator Anderson withdrew amendment S—5451 filed by him on April 1, 1982, to pages 2 through 11 and to the title page of the bill.

Senator Anderson offered amendment S—5521 filed by him on April 7, 1982, to pages 2 through 11 and to the title page of the bill.

Senator Baugher called for a division of amendment S—5521: Page 1, lines 2 through 31 and lines 41 through 50 and pages 2 and 3 as division S—5521A; page 1, lines 32 through 40 as division S—5521B.

Senator Anderson moved the adoption of division S—5521A.

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 24.

Division S—5521A lost.

Senator Anderson withdrew division S—5521B.

Senator Van Gilst offered amendment S—5626 filed by him on April 15, 1982, to pages 2 through 4, 6 and 10 of the bill.

Senator Van Gilst offered amendment S—5649 filed by him from the floor to amendment S—5626 and moved its adoption.

A non record roll call was requested.

The ayes were 44, nays 5.

Amendment S—5649 was adopted.

Senator Kinley asked and received unanimous consent that action on amendment S—5626, as amended, be deferred.

Senator Van Gilst offered amendment S—5653 filed by him from the floor to pages 2 and 4 of the bill.

Senator Slater called for a division of amendment S—5653: lines 2 through 7 as division S—5653A; lines 8 through 12 as division S—5653B.

Senator Van Gilst moved the adoption of division S—5653A.

A non record roll call was requested.

The ayes were 19, nays 30.

Division S—5653A lost.

(Senate File 2295, amendment S—5626 as amended and division S—5653B, pending on adjournment.)

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 2369, the following correction was made to amendment S—5498:

1. Page 1, line 24, the second word "specimen" was changed to "specimens".

K. MARIE THAYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 16, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 2088—To authorize a property tax levy by school districts for a cash reserve.

S.F. 2243—To provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

ALSO:

That on April 19, 1982, the Governor approved and transmitted to the Secretary of State the following bills:

H.F. 2373—Relating to the continuation of the activities and functions of the Energy Policy Council, changing the date of the submission of the Council's required report, and eliminating the requirement that public recognition for innovative energy conservation methods be given to ten categories of individuals and organizations in each congressional district.

H.F. 2394—Relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

H.F. 2416—To allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis.

H.F. 2418—To provide that traffic violation proceedings by the State Board of Regents or its institutions are not contested cases under the Iowa Administrative Procedures Act.

H.F. 2422—To legalize the proceedings of the Oskaloosa Community School District relating to a sale of land.

H.F. 2431—Revising deadlines for drawing election precincts, wards, and supervisor districts and requiring maps of supervisor districts to be filed with the State Commissioner of Elections.

H.F. 2432—To provide for approval to raise an additional enrichment amount for a school district's budget at a special election.

H.F. 2448—Relating to the procedures for suspension or cancellation of a grain dealer or grain warehouse license.

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 19th day of April, 1982:

Senate Files 460, 578, 2156, 2172, 2235, 2238, 2242, 2267, 2273 and 2281.

K. MARIE THAYER
Secretary of the Senate

BILL ENROLLED, SIGNED AND SENT TO THE SECRETARY OF THE STATE

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Secretary of the State on this 19th day of April, 1982:

Senate Joint Resolution 13.

K. MARIE THAYER
Secretary of the Senate

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S—5521A to Senate File 2295 failed to be adopted by the Senate on April 19, 1982.

RAY TAYLOR

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 19, 1982, 9:00 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Junkins, Lura, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Hultman, Husak and Palmer.

Final Bill Action: SENATE FILE 2305, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer of the taxpayer's spouse in the home of the taxpayer with a January 1 effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Readinger, Rodgers, Hester, Lura, Van Gilst, Priebe, Holden and Junkins. Nays, none. Absent or not voting, 6: Hultman, Husak, Palmer, Ramsey, Rush and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2474, a bill for an act to provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Junkins, Lura, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Husak and Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2475, a bill for an act relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Junkins, Lura, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Husak, Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2484, a bill for an act relating to mobile homes by providing that the semi-annual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county treasurer, making coordinating amendments and providing a January 1 effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Junkins, Lura, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Husak and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Amended and approved SSB 2262 as a committee bill.

Adjourned: 10:20 a.m.

PRESENTATION OF VISITORS

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

Forty-three students from Holy Trinity School, Des Moines, Iowa, accompanied by Mrs. Nachtrab. Senator Readinger.

Seventy-five students from East Elementary School, Ankeny, Iowa, accompanied by Duane Suhr, Joyce Andersen and Phyllis Heikens. Senator Baugher.

One hundred students from Winterset Middle School, Winterset, Iowa, accompanied by Mr. Messer, Mrs. Bass and Mr. Corkrean. Senator Rodgers.

Sixty-six students from Valerius Elementary School, Urbandale, Iowa. Senator Readinger.

PETITIONS

The following petitions were presented and placed on file by:

Senator Craft from two hundred forty residents of Lee, Des Moines, Henry, Winneshiek, Chickasaw, Fayette and Pottawattamie Counties favoring legislation for the protection of Iowa prairie lands.

AMENDMENTS FILED

S—5636	S. F.	2218	House Amendment
S—5637	S. F.	2234	House Amendment
S—5638	S. F.	2304	Forrest V. Schwengels
S—5639	S. F.	2245	Julia Gentleman Mick Lura
S—5640	H.C.R.	114	Edgar H. Holden
S—5641	S. F.	2295	Ray Taylor
S—5642	S. F.	2304	Clarence S. Carney Ted Anderson
S—5643	S. F.	2295	Richard Vande Hoef Arne Waldstein Jack W. Hester Alvin V. Miller Elvie L. Dreeszen
S—5644	S. F.	2295	Patrick J. Deluhery Sue Yenger
S—5645	S. F.	2304	John N. Nystrom Bass Van Gilst
S—5646	H.F.	744	Donald V. Doyle Dick Ramsey
S—5647	S. F.	2239	Stephen W. Bisenius James V. Gallagher Elvie L. Dreeszen
S—5648	H.F.	2405	John W. Jensen C. Joseph Coleman
S—5649	S. F.	2295	Bass Van Gilst
S—5650	H.F.	2351	Dale L. Tieden
S—5651	S. F.	2295	Gary L. Baugher
S—5652	S. F.	268	Lucas J. DeKoster
S—5653	S. F.	2295	Bass Van Gilst

S—5654	S. F.	2295	Ray Taylor
S—5655	S. F.	2295	Ray Taylor
S—5656	S. F.	268	Donald V. Doyle
S—5657	S. F.	268	Donald V. Doyle
S—5658	S. F.	268	Donald V. Doyle
S—5659	S. F.	268	Donald V. Doyle
S—5660	H.F.	744	Donald V. Doyle Dick Ramsey
S—5661	S. F.	2304	Bob Rush Arthur A. Small, Jr.
S—5662	H.F.	744	Dick Ramsey Arne Waldstein Lowell L. Junkins C.W. Bill Hutchins Forrest V. Schwengels Charles P. Miller Gary L. Baugher

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:00 p.m., until 9:00 a.m., Tuesday, April 20, 1982.

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
SIXTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 20, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by Father Richard Gubble, pastor of the Holy Trinity Catholic Church, Des Moines, Iowa.

The Journal of Monday, April 19, 1982, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Carney, M.D., Grinnell, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2091, a bill for an act to increase the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel distributors to receive a certain percentage of ethanol, and providing a penalty,

ALSO: That the House has on April 15, 1982, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 2360, a bill for an act to exempt travel trailers from the regulation of mobile home parks.

House File 2437, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

ALSO: That the House has on April 15, 1982, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel.

ALSO: That the House has on April 15, 1982, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 143

By: Lageschulte

1 *Whereas*, Governor Robert D. Ray has proclaimed
2 April, 1982, as the fourth annual "Reading Month in
3 Iowa"; and
4 *Whereas*, Dottie Heering of the Waverly-Shell Rock
5 Community Schools, Iowa's Reading Teacher of the Year,
6 is encouraging members of the General Assembly to join
7 in the recognition of "Reading Month in Iowa" by setting
8 aside some time on April 15, 1982, for activities
9 involving reading and
10 *Whereas*, the General Assembly recognizes that
11 reading is fundamental to the complete intellectual
12 development of each citizen; *Now Therefore*,
13 *Be It Resolved by the House of Representatives*,
14 *the Senate Concurring*, That all Iowans are urged to
15 join with the members of the General Assembly in
16 observing April, 1982, as "Reading Month in Iowa", with
17 particular emphasis on activities on April 15, 1982.

This resolution was read first time and **passed on file**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 126

By: Jensen, Baugher, Taylor and Comito

1 *Whereas*, the boards of directors of a number of
2 school districts have adopted policies on controversial
3 educational issues that require that their teachers
4 provide a fair presentation of the various views on
5 controversial issues and provide that students be
6 granted the right to study and voice opinions of these
7 issues; and
8 *Whereas*, a number of national educational associations
9 have recognized that throughout the United States school
10 districts must address controversial issues; and
11 *Whereas*, the Department of Public Instruction has
12 adopted policy statements on some controversial issues;
13 and

14 *Whereas*, many parents throughout the state are concerned
 15 about the manner in which their public schools are address-
 16 ing these controversial issues; *Now Therefore*,

17 *Be It Resolved by the House of Representatives, the*
 18 *Senate Concurring*, That the legislative council is urged
 19 to establish a joint subcommittee composed of members of
 20 both political parties of the House and Senate Committees
 21 on Education to conduct a study of the manner in which
 22 school districts are determining policy over controversial
 23 educational issues, including but not limited to issues
 24 relating to creation-evolution, sex education and family
 25 living, multi-cultural nonsexist approach to learning,
 26 and parental rights. The study shall include a survey
 27 of the policies adopted by school districts in teaching
 28 about controversial issues and providing resource materials
 29 about these issues, policies of the Department of Public
 30 Instruction about the teaching of controversial issues in

Page 2

1 the public schools, whether the policies of the Depart-
 2 ment of Public Instruction allow local control, and whether
 3 legislative changes are needed; and

4 *Be It Further Resolved*, That the joint subcommittee
 5 shall make a report of its recommendations, accompanied
 6 by legislative bill drafts to implement the recommendations,
 7 to the legislative council and to the general assembly
 8 meeting in 1983.

Read first time and referred to the committee on **Rules and Administration**.

BILLS RETURNED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate File 568** be returned from the Unfinished Business Calendar to the committee on **State Government**.

Senator Hultman asked and received unanimous consent that **Senate File 2296** be returned from the Ways and Means Calendar to the committee on **Ways and Means**.

Senator Hultman asked and received unanimous consent that **House File 2386** be returned from the Regular Calendar to the committee on **State Government**.

HOUSE AMENDMENT CONSIDERED

Senate File 2218

Senator Tieden called up for consideration Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, amended by the House, and moved that the Senate concur in House amendment S—5636 filed April 19, 1982.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2218) the vote was:

Ayes, 15:

Anderson	Brown	Carr	Comito
DeKoster	Deluhery	Gentleman	Kinley
Kudart	Lura	Miller, C.P.	Murray
Readinger	Rush	Slater	

Nays, 33:

Baughner	Bisenius	Briles	Carney
Coleman	Craft	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Nystrom	Priebe	Ramsey
Rodgers	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Absent or not voting, 2:

Palmer	Small
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The motion lost and the Senate **refused to concur** in the House amendment.

Senator Hultman asked and received unanimous consent that **Senate File 2218** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1982, refused to concur in Senate amendment as amended to the following bill in which the concurrence of the House was asked:

House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating the Iowa water council.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2305.

Senate File 2305

On motion of Senator Hester, Senate File 2305, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date, was taken up for consideration.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2305) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger

Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

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

Senator Hultman asked and received unanimous consent to take up for consideration House File 2474.

House File 2474

On motion of Senator Craft, House File 2474, a bill for an act to provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication, with report of committee recommending passage, was taken up for consideration.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2474) the vote was:

Ayes, 48:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Baugher Palmer

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 2475.

House File 2475

On motion of Senator Holden, House File 2475, a bill for an act relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2475) the vote was:

Ayes, 47:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Baugher Small Taylor

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.

UNFINISHED BUSINESS
(Deferred April 2, 1982)**House File 2405**

The Senate resumed consideration of House File 2405, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules and amendment S—5361 by the committee on Transportation to page 1 of the bill, deferred on April 2, 1982.

Senator Jensen asked and received unanimous consent to withdraw amendment S—5461 filed by Senators Jensen and Coleman on April 2, 1982, to amendment S—5361.

Senator Jensen asked and received unanimous consent to withdraw amendment S—5648 filed by Senators Jensen and Coleman on April 19, 1982, to amendment S—5361.

Senator Miller of Des Moines offered amendment S—5438 filed by him on March 31, 1982, to amendment S—5361 and moved its adoption.

A non record roll call was requested.

The ayes were 13, nays 34.

Amendment S—5438 lost.

Senator Jensen offered amendment S—5670 filed by Senators Jensen, Coleman and Priebe from the floor to amendment S—5361 and moved its adoption.

A non record roll call was requested.

The ayes were 32, nays 15.

Amendment S—5670 was adopted.

Senator Jensen moved the adoption of amendment S—5361 as amended, which motion prevailed by a voice vote.

Senator Drake asked and received unanimous consent that further action on **House File 2405** be **deferred**.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2477, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded.

This bill was read first time and referred to the committee on **Appropriations**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2484.

House File 2484

On motion of Senator Rodgers, House File 2484, a bill for an act relating to mobile homes by providing that the semi-annual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county

treasurer, making coordinating amendments and providing a January 1 effective date, with report of committee recommending passage, was taken up for consideration.

Senator Carney took the chair at 10:15 a.m.

Senator Rodgers offered amendment S—5680 filed by Senators Rodgers and Drake from the floor to pages 5, 9 and 11 of the bill and moved its adoption.

Amendment S—5680 was adopted by a voice vote.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2484) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

Comito Lura

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 2484 be immediately messaged to the House.

UNFINISHED BUSINESS (Deferred April 7, 1982)

House File 2446

The Senate resumed consideration of House File 2446, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging and amendment S—5453 by the committee on Human Resources to page 1 of the bill, deferred on April 7, 1982.

Senator Gentleman moved the adoption of amendment S—5453, which motion prevailed by a voice vote.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2446) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, none.

Absent or not voting, 2:

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

UNFINISHED BUSINESS
(Deferred April 19, 1982)

House Concurrent Resolution 118

The Senate resumed consideration of House Concurrent Resolution 118, a resolution relating to evaluating the impact of proposed legislation on Iowa families, deferred on April 19, 1982.

Senator Small asked and received unanimous consent that further action on **House Concurrent Resolution 118** be deferred.

RECESS

On motion of Senator Hultman, the Senate recessed at 10:45 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2234

Senator Hutchins called up for consideration Senate File 2234, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference, amended by the House in House amendment S—5637 filed April 19, 1982.

Senator Hutchins offered amendment S—5673 filed by Senators Hutchins and Schwengels from the floor to House amendment S—5637.

Senator Gallagher asked and received unanimous consent that further action on **Senate File 2234**, House amendment S—5637 and amendment S—5673 to House amendment S—5637 be **deferred**.

BUSINESS PENDING

House File 2405

The Senate resumed consideration of House File 2405, previously deferred.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2405) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 4:

Gentleman	Miller, C.P.	Rush	Small
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Absent or not voting, 2:

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

UNFINISHED BUSINESS

(Deferred April 8, 1982)

House File 2435

The Senate resumed consideration of House File 2435, a bill for an act relating to shooting ranges, deferred on April 8, 1982.

Senator Gentleman 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—5459 to House File 2435 was adopted by the Senate on April 8, 1982.

The motion prevailed by a voice vote and amendment S—5459 by the committee on Natural Resources to strike everything after the enacting clause of the bill, was taken up for reconsideration.

Senator Gentleman asked and received unanimous consent that action on amendment S—5459 be deferred.

Senator Gentleman offered amendment S—5619 filed by Senators Gentleman and Carr on April 15, 1982, to strike everything after the enacting clause of the bill.

Senator DeKoster offered amendment S—5683 filed by him from the floor to amendment S—5619 and moved its adoption.

Amendment S—5683 was adopted by a voice vote.

Senator Gentleman moved the adoption of amendment S—5619 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5619 as amended, the Chair ruled amendment S—5459, previously deferred, out of order.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2435) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe

Ramsey	Readinger	Rodgers	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	Yenger

Nays, 4:

DeKoster	Holden	Kudart	Rush
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Absent or not voting, 2:

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

UNFINISHED BUSINESS (Deferred April 14, 1982)

House File 2351

The Senate resumed consideration of House File 2351, a bill for an act relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks and open prairies and increasing the assessed value of fruit-tree and forest reservations, and amendment S—5426 by Senator Hultman, deferred on April 14, 1982.

Senator Tieden offered amendment S—5650 filed by him on April 19, 1982, to pages 1, 4 and the title page of the bill and called for a division of the amendment: lines 3 through 11 as division S—5650A; lines 12 through 16 as division S—5650B; lines 17 through 19 as division S—5650C.

On motion of Senator Tieden, divisions S—5650A, S—5650B and S—5650C were adopted by a voice vote.

Senator Priebe offered amendment S—5669 filed by Senators Priebe and Rush from the floor to pages 4 and 5 of the bill and moved its adoption.

Amendment S—5669 was adopted by a voice vote.

Senator Hultman withdrew amendment S—5426 to page 4 and to the title page of the bill, deferred on April 14, 1982.

The Chair ruled the following amendments out of order:

S—5587 filed by Senator Rush on April 14, 1982, to page 4 of the bill.

S—5610 filed by Senator Rush on April 15, 1982, to amendment S—5587.

Senator Rodgers offered amendment S—5682 filed by Senators Rodgers and Hultman from the floor to page 5 and the title page of the bill.

Senator DeKoster raised the point of order that amendment S—5682 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5682 out of order.

Senator Husak moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2351) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Wells
Yenger			

Nays, 5:

Holden	Hulse	Miller, C.P.	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.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2351** be immediately messaged to the House.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 127

By: Holden and Murray

1 *Whereas*, many bills are introduced in each session
 2 of the general assembly to expand the scope of
 3 industrial revenue bonding authorized by law; and
 4 *Whereas*, there is a need for developing a uniform
 5 policy regarding utilization of industrial revenue
 6 bonding; and
 7 *Whereas*, it would be beneficial that legislation
 8 originate in one committee to expand the list of
 9 purposes for which industrial revenue bonds may be
 10 issued; *Now Therefore*,
 11 *Be It Further Resolved by the Senate, the House Concurring*
 12 That the legislative council is requested to appoint
 13 an interim study committee consisting of members of
 14 the Senate and House standing committees on ways and
 15 means to develop a policy for the utilization of
 16 industrial revenue bonds and consider a requirement
 17 that bills authorizing additional uses of industrial
 18 revenue bonds under chapter 419 be assigned to the
 19 standing committees on ways and means or originate in
 20 that committee; and
 21 *Be It Further Resolved*, That the study committee
 22 shall report its findings and recommendations, including
 23 legislative bill drafts necessary to implement its
 24 recommendations, to the legislative council and the
 25 general assembly meeting in 1983.

Read first time and passed on file.

INTRODUCTION OF BILL

Senate Joint Resolution 2004, by Committee on Appropriations, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

Read first time and placed on the Appropriations Calendar.

MOTION TO RECONSIDER ADOPTED

Senator Hester called up the motion to reconsider Senate File 2299 filed by him on April 16, 1982, found on page 1257 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2299) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Baughner	Bisenius	Briles	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Gratias	Holden
Kinley	Kudart	Lura	Miller, A.V.
Palmer	Priebe	Ramsey	Readinger
Rush	Small	Taylor	Van Gilst
Waldstein	Wells	Yenger	

Nays, 23:

Anderson	Brown	Carney	Carr
Coleman	Doyle	Dreeszen	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Miller, C.P.
Murray	Nystrom	Rodgers	Schwengels
Slater	Tieden	Vande Hoef	

The motion prevailed.

Senator Hester moved to reconsider the vote by which Senate File 2299 went to its last reading, which motion prevailed by a voice vote.

Senate File 2299

On motion of Senator Hester, Senate File 2299, a bill for an act relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, providing for conditions upon which free samples may be distributed, providing for penalty and interest for unpaid or delinquent taxes, the time period in which a hearing must be held when a protest is filed, waiver of penalty and reduction or abatement of interest by the director, and repealing the Iowa unfair cigarette sales Act and the one-time inventory tax refund, was taken up for reconsideration.

Senator Holden offered amendment S—5706 filed by Senators Holden, et al., from the floor to page 5 of the bill.

Senator Carney raised the point of order that amendment S—5706 was out of order because the section of the bill that it was amending had previously been considered by the Senate.

The Chair ruled the point not well taken and amendment S—5706 in order.

Senator Holden moved the adoption of amendment S—5706.

A record roll call was requested.

On the question “Shall amendment S—5706 be adopted?” (S.F. 2299) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Baughner	Bisenius	Briles	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Holden	Kinley	Kudart
Lura	Palmer	Ramsey	Readinger
Rush	Small	Taylor	Waldstein
Wells	Yenger		

Nays, 27:

Anderson	Brown	Carney	Carr
Coleman	Doyle	Dreeszen	Goodwin

Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Priebe	Rodgers	Schwengels	Slater
Tieden	Vande Hoef	Van Gilst	

Absent or not voting, 1:

Gallagher

Amendment S—5706 lost.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2299) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Anderson	Brown	Carney	Carr
Coleman	Dreeszen	Goodwin	Gratias
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Miller, A.V.
Murray	Nystrom	Priebe	Rodgers
Schwengels	Slater	Tieden	Vande Hoef
Van Gilst			

Nays, 24:

Baughner	Bisenius	Briles	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Gentleman	Holden	Kinley
Kudart	Lura	Miller, C.P.	Palmer
Ramsey	Readinger	Rush	Small
Taylor	Waldstein	Wells	Yenger

Absent or not voting, 1:

Gallagher

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

The Chair ruled the motion to reconsider the vote by which Senate File 2299 passed the Senate filed by Senator Baugher on April 15, 1982 and found on page 1237 of the Senate Journal, out of order.

MESSAGE FROM THE HOUSE

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House, on April 20, 1982, insisted on its amendment to Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems, and that the members of the Conference Committee on the part of the House are: The Representative from Keokuk, Mr. Swearingen, Chair; the Representative from Winneshiek, Mr. Tofte; the Representative from Polk, Mrs. Carpenter; the Representative from Marion, Mr. Dieleman; and the Representative from Black Hawk, Ms. Brandt.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on Senate File 2178 on the part of the Senate: Senators Nystrom, Chair; Schwengels, Tieden, Slater and Carr.

MESSAGE FROM THE HOUSE

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House, on April 20, 1982, insisted on its amendment to Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, and that the members of the Conference Committee on the part of the House are: The Representative from Ida, Mr. Bennett, Chair; the Representative from Clinton, Mr. Pelton; the Representative from Cass, Mr. Pellett, the Representative from Webster, Mr. Cochran; and the Representative from Johnson, Mrs. Lloyd-Jones.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on Senate File 2218 on the part of the Senate; Senators Tieden, Chair; Waldstein, Schwengels, Slater and Van Gilst.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 128, by Committee on Appropriations, a resolution regarding the board of regents proposed ten-year building program.

Read first time and **placed on the Appropriations Calendar** (to be printed in the Senate Journal on April 21, 1982).

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 19, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

H.F. 84—Relating to pensions under firemen's and policemen's pension funds.

H.F. 2059—Relating to motor fuel tests.

H.F. 2173—Relating to the projects for which industrial revenue bonds may be issued under Chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped.

H.F. 2337—Relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

H.F. 2359—Making records of court ordered support payments public records.

H.F. 2361—Relating to the access of a spouse to the medical records of a mental health patient.

H.F. 2371—To revise the procedures of the State Appeal Board in the consideration of the budgets of local governments and providing an effective date.

H.F. 2372—Relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

H.F. 2374—Relating to escape from a detention facility or institution and providing a penalty.

H.F. 2376—Relating to the boundary lines of merged areas and area education agencies and providing that the act takes effect upon its publication.

H.F. 2378—Relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan.

H.F. 2379—To provide for the interest and earnings of the state fish and game protection fund.

H.F. 2380—Relating to insolvent insurers.

H.F. 2382—Relating to the identification of the location of wells.

H.F. 2385—Relating to the confidentiality of the application, affidavits and order for a nontestimonial identification.

STUDY BILLS RECEIVED

S.S.B. 2267 Appropriations

Relating to the State Board of Regents ten-year building program.

S.S.B. 2268 Appropriations

Appropriating funds for capital expenditures to the state conservation commission.

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 20th day of April, 1982:

Senate Files 26, 2220, 2247, 2260, 2264, 2268, 2270, 2274, 2278 and 2294.

K. MARIE THAYER
Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF THE STATE

April 20, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

I hereby certify that House File 2377 was published in the Grinnell Herald-Register, Grinnell, Iowa, on April 15, 1982, and in the Cherokee Daily Times, Cherokee, Iowa, on April 15, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

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 2351, the following correction was made to amendment S—5634:

1. Page 2, line 36, the comma “,” was deleted.

K. MARIE THAYER
Secretary of the Senate

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. C.R. 125 Agriculture

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 20, 1982, 10:50 a.m.

Members Present: Murray, Chair; Tieden, Vice Chair; Palmer, Ranking Member; Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins (arrived 11:00 a.m.), Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger.

Members Absent: none.

Final Bill Action: SENATE CONCURRENT RESOLUTION 128, (SSB 2267) a resolution authorizing additional bonding.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 14: Murray, Tieden, Palmer, Anderson, Deluhery, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst and Yenger. Nays, 4: Baugher, Bisenius, Carney and Waldstein. Absent or not voting, 1: Hultman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE JOINT RESOLUTION 2004, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

Recommendation: APPROVED COMMITTEE JOINT RESOLUTION.

Final Vote: Ayes, 17: Murray, Tieden, Palmer, Baugher, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, 2: Anderson and Bisenius.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2477, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2482, a bill for an act to appropriate federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved SSB 2268 as committee bill.

Adjourned: 12:10 p.m.

PRESENTATION OF VISITORS

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

Forty-five students from West Central Junior-Senior High School, Maynard, Iowa, accompanied by Ron Miller and Ron Reusche. Senator Craft.

Twenty students from Amos Hiatt Junior High School, Des Moines, Iowa, accompanied by Jane Hildenbrand and Joyce Smith. Senators Baugher, Kinley and Palmer.

The following students were present in the Senate gallery:

Thirty students from Norwalk Senior High School, Norwalk, Iowa, accompanied by Jerry McNeley. Senator Rodgers.

Senator Jensen presented Tiina Saukkonen from Finland, exchange student attending school in Iowa and accompanied by her sponsors, Mr. and Mrs. Ercil McWilliams, Eric, Sherri and Shana of Dumont.

AMENDMENTS FILED

S—5663	S. F.	2091	House Amendment
S—5664	H.F.	2460	House Amendment
S—5665	S. F.	268	Donald V. Doyle
S—5666	S. F.	268	Donald V. Doyle
S—5667	S. F.	268	Donald V. Doyle
S—5668	S. F.	268	Donald V. Doyle
S—5669	H.F.	2351	Berl E. Priebe Bob Rush
S—5670	H.F.	2405	John W. Jensen C. Joseph Coleman Berl E. Priebe
S—5671	S. F.	2234	Dale L. Tieden
S—5672	S. F.	2304	Bob Rush
S—5673	S. F.	2234	C.W. Bill Hutchins Forrest V. Schwengels
S—5675	S. F.	2304	Stephen W. Bisenius
S—5676	S. F.	2091	Edgar H. Holden
S—5677	S. F.	2304	Ray Taylor
S—5678	S. F.	2304	Dick Ramsey Stephen W. Bisenius Berl E. Priebe James V. Gallagher

S-5679	S. F.	2304	John S. Murray
S-5680	H.F.	2484	Norman Rodgers Richard F. Drake
S-5681	S. F.	2304	Tom Slater
S-5682	H.F.	2351	Norman Rodgers Calvin O. Hultman
S-5683	H.F.	2435	Lucas J. DeKoster
S-5684	S. F.	2234	Lucas J. DeKoster Jack W. Hester
S-5685	S. F.	2295	James D. Wells
S-5686	S. F.	2304	John W. Jensen
S-5687	S. F.	2304	Dale L. Tieden
S-5688	S. F.	2234	James E. Briles
S-5689	S. F.	268	Donald V. Doyle
S-5690	S. F.	268	Donald V. Doyle
S-5691	S. F.	268	Donald V. Doyle
S-5692	S. F.	2091	Edgar H. Holden
S-5693	S. F.	2091	Berl E. Priebe Norman Rodgers Elvie L. Dreeszen Richard Vande Hoef James D. Wells Emil J. Husak Alvin V. Miller
S-5694	S. F.	2304	John S. Murray
S-5695	H.F.	744	Bob Carr
S-5696	S. F.	2304	Arne Waldstein Tom Slater Richard Vande Hoef Joe Brown
S-5697	S. F.	268	Donald V. Doyle
S-5698	S. F.	268	Donald V. Doyle
S-5699	S. F.	268	Donald V. Doyle
S-5700	S. F.	268	Donald V. Doyle
S-5701	S. F.	268	Lucas J. DeKoster
S-5702	S. F.	2091	Richard Vande Hoef Elvie L. Dreeszen Berl E. Priebe Alvin V. Miller C. Joseph Coleman Emil J. Husak Ray Taylor

			Arne Waldstein
			Norman Rodgers
S—5703	S. F.	268	Donald V. Doyle
S—5704	S. F.	268	Donald V. Doyle
S—5705	S. F.	268	Donald V. Doyle
S—5706	S. F.	2299	Edgar H. Holden
			Richard Comito
			George R. Kinley
			Dick Ramsey
			Mick Lura
			Gary L. Baugher
			William D. Palmer
			Richard F. Drake
S—5707	H.F.	2426	Julia Gentleman
S—5708	S. F.	2304	Richard F. Drake
			Dale L. Tieden
S—5709	S. F.	2304	Sue Yenger

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:00 p.m., until 9:00 a.m., Wednesday, April 21, 1982.

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 21, 1982

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by Father John Dalton, pastor of the St. Patrick's Catholic Church, Cedar Rapids, Iowa.

The Journal of Tuesday, April 20, 1982, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1982, concurred in Senate amendment to House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 2203, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

ALSO: That the House has on April 19, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2483, a bill for an act relating to the applicability of the certificate of need program.

This bill was read first time and passed on file.

ALSO: That the House has on April 19, 1982, adopted the following concurrent resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 144

By: Dieleman

1 *Whereas*, Dutch antecedents in the United States go back
 2 to the early 1600's when a few doughty Dutch began to
 3 explore and settle Manhattan Island and the Hudson River
 4 Valley; and
 5 *Whereas*, Iowa owes much to her Dutch antecedents, who
 6 have left an enduring mark; and
 7 *Whereas*, the Netherlands became the first nation in
 8 1776 to salute the flag of the new American Nation; and
 9 *Whereas*, it is with the Netherlands that the United
 10 States has its longest peaceful and unbroken relationship;
 11 and
 12 *Whereas*, April 19, 1982, marks the bicentennial of the
 13 opening of diplomatic relations between the United States and
 14 the Netherlands; and
 15 *Whereas*, these two centuries of official relations have
 16 been based on exemplary friendship, mutual trust and respect,
 17 and a perceived interest in practical forms of cooperation;
 18 and
 19 *Whereas*, in this bicentennial year of diplomatic relations,
 20 Iowa will be graced by the visit of Her Majesty Queen Beatrix
 21 of the Netherlands; and
 22 *Whereas*, it is fitting that this royal visit be
 23 accompanied by a suitable public acknowledgment of the warm
 24 bond of friendship existing between the United States and the
 25 Netherlands, and of the debt Iowa owes to its vibrant Dutch
 26 heritage; *Now Therefore*,
 27 *Be It Resolved by the House of Representatives, the Senate*
 28 *Concurring*, That April 19, 1982 is hereby designated "Dutch-
 29 American Friendship Day", and the people of the State of Iowa
 30 are urged to observe the day in an appropriate manner.

This resolution was read first time and passed on file.

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 115

By: Hutchins

1 *Whereas*, The Governor's Committee on Employment
 2 of the Handicapped in conjunction with the Iowa

3 Department of AMVETS promotes a poster contest as
4 a part of the young adult awareness program; and,

5 *Whereas*, This contest promotes great competition
6 among students across the nation, which benefits
7 the handicapped; and,

8 *Whereas*, Until this year, an Iowan had not won
9 this national contest; and,

10 *Whereas*, Clint Hansen, a sophomore who attends the
11 Audubon High School in Audubon, Iowa, is this year's
12 national winner, *Now Therefore*,

13 *Be It Resolved by the Senate*, That Clint Hansen,
14 the first Iowan to be a national winner in this
15 contest, be proudly congratulated by the Iowa Senate.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 129

By: Drake and Nystrom

1 *Whereas*, under chapter 28E, a public agency may enter
2 into an agreement with one or more other public or private
3 agencies to exercise a power, privilege or authority
4 which the public agencies may exercise separately; and

5 *Whereas*, an agreement for a joint exercise of powers
6 may create a separate legal or administrative agency to
7 carry out the powers assigned to it by the public or
8 private agencies which are parties to the agreement; and

9 *Whereas*, chapter 28E does not include specific require-
10 ments or procedures relating to the preparation and adoption
11 of budgets or the conduct of hearings on budgets, the audit
12 of accounts and expenditures, or competitive bidding and
13 procurement practices; *Now Therefore*,

14 *Be It Resolved by the Senate, the House of Representatives*
15 *Concurring*, That the legislative council create a joint sub-
16 committee of ten members of the senate and house committees
17 on state government to study the need and feasibility of
18 specifying requirements and procedures to be followed by
19 legal or administrative entities created under chapter 28E
20 relating to budgeting procedures including the conduct of
21 hearings on budgets, auditing of accounts and expenditures,
22 competitive bidding and procurement practices, and other
23 matters relating to their operations; and

24 *Be It Further Resolved*, That the joint subcommittee sub-
25 mit a report to the legislative council and to the general
26 assembly at the conclusion of the interim, accompanied by
27 bill drafts designed to carry out any recommendations of
28 the joint subcommittee.

Read first time and passed on file.

PRINTING OF RESOLUTION
(Introduced on April 20, 1982)

SENATE CONCURRENT RESOLUTION 128
By: Committee on Appropriations

1 *Whereas*, section 262A.3 provides that the state
2 board of regents shall prepare and submit to the
3 general assembly for approval no later than seven
4 days after the convening of each regular annual session
5 of the general assembly a proposed ten-year building
6 program for each institution of higher learning under
7 the jurisdiction of the board, the program to contain
8 a list of the buildings and facilities which the board
9 deems necessary to further the educational objectives
10 of the institutions, with an estimate of the cost
11 of each of the buildings and facilities referred to
12 and an estimate of the maximum amount of bonds which
13 the board expects to issue under chapter 262A during
14 each year of the ensuing biennium; and

15 *Whereas*, the state board of regents prepared and
16 within seven days after the convening of the Sixty-
17 ninth General Assembly of the State of Iowa, First
18 Session, submitted to the Sixty-ninth General Assembly,
19 First Session, for approval the proposed ten-year
20 building program for each institution containing a
21 list of the buildings and facilities which the board
22 deemed necessary to further the educational objectives
23 of the institutions, together with an estimate of
24 the cost of each of the buildings and facilities
25 referred to and an estimate of the maximum amount
26 of bonds which the board expected to issue under
27 chapter 262A for each year of the fiscal biennium
28 beginning July 1, 1981 and ending June 30, 1983; and

29 *Whereas*, the projects contained in the building
30 program are deemed necessary for the proper performance

Page 2

1 of the instructional, research, and service functions
2 of the institutions; and

3 *Whereas*, section 262A.4 provides that the state
4 board of regents after authorization by a
5 constitutional majority of each house of the general
6 assembly and approval by the governor may undertake
7 and carry out at the institutions of higher learning
8 under the jurisdiction of the board any project as
9 defined in chapter 262A; and

10 *Whereas*, chapter 262A authorizes the state board
11 of regents to borrow money and to issue and sell
12 negotiable revenue bonds to pay all or any part of
13 the cost of carrying out the projects at any
14 institution payable solely from and secured by an
15 irrevocable pledge of a sufficient portion of the
16 students fees and charges and institutional income
17 received by the particular institution; and

18 *Whereas*, to further the educational objectives
19 of the institutions, the state board of regents
20 requested authorization from the Sixty-ninth General
21 Assembly, First Session, to undertake and carry out
22 certain of the projects and to finance their cost
23 by borrowing money and issuing negotiable bonds under
24 chapter 262A, in a total amount not to exceed fifty
25 eight million (58,000,000) dollars, the remaining
26 cost of the projects to be financed by capital
27 appropriations or by federal or other funds lawfully
28 available; and

29 *Whereas*, the Sixty-ninth General Assembly, First
30 Session, by a constitutional majority of each house

Page 3

1 of the general assembly adopted Senate Concurrent
2 Resolution 35, which was approved by the governor,
3 approving the proposed ten-year building program
4 submitted by the state board of regents for each
5 institution of higher learning under its jurisdiction,
6 and authorizing the issuance of the bonds by the state
7 board of regents under chapter 262A in a total amount
8 not to exceed fifty-eight million (58,000,000) dollars,
9 of which thirty million (30,000,000) dollars were
10 authorized to be issued during the fiscal year ending
11 June 30, 1982 and twenty-eight million (28,000,000)
12 dollars were authorized to be issued during the fiscal
13 year ending June 30, 1983; and

14 *Whereas*, pursuant to the authorization contained
15 in Senate Concurrent Resolution 35 of the Sixty-ninth
16 General Assembly, First Session, thirty million
17 (30,000,000) dollars of bonds were or are being issued
18 by the state board of regents under chapter 262A
19 during the fiscal year ending June 30, 1982; and

20 *Whereas*, section 262A.3 provides for the annual
21 revision of each ten-year building program, and the
22 state board of regents prepared and submitted to the
23 Sixty-ninth General Assembly, Second Session, the
24 revised proposed ten-year building program for each
25 institution containing a list of buildings and facili-

26 ties which the board deems necessary to further the
 27 educational objectives of the institutions, together
 28 with an estimate of the cost of each of the buildings
 29 and facilities referred to and an estimate of the
 30 maximum amount of bonds which the board expects to

Page 4

1 issue under chapter 262A for each year of the fiscal
 2 biennium beginning July 1, 1981 and ending June 30,
 3 1983; and

4 *Whereas*, the state board of regents has requested
 5 the authorization to finance the cost of a law building
 6 at the state university of Iowa by borrowing money
 7 and issuing negotiable bonds under chapter 262A during
 8 the fiscal year ending June 30, 1983 to a total amount
 9 not to exceed twenty-three million three hundred
 10 seventy-five thousand (23,375,000) dollars, such
 11 authorization to be in addition to the bonds authorized
 12 by Senate Concurrent Resolution 35 of the Sixty-ninth
 13 General Assembly, First Session; *Now Therefore*,

14 *Be It Resolved by the Senate, the House of*
 15 *Representatives Concurring*, That the proposed ten-
 16 year building program submitted by the state board
 17 of regents for each institution of higher learning
 18 under its jurisdiction, including the estimate of
 19 the maximum amount of bonds which the board expects
 20 to issue under chapter 262A, is approved as follows:

21 STATE BOARD OF REGENTS
 22 PROPOSED TEN-YEAR BUILDING PROGRAM
 23 1981-1991

24 State University of Iowa	\$138,628,000
25 Iowa State University of Science and Technology	117,005,000
26 University of Northern Iowa	<u>43,755,000</u>
27 Total ten-year program 1981-1991	\$299,388,000

28 *Be It Further Resolved*, That during the fiscal
 29 year commencing July 1, 1982, and ending June 30,
 30 1983, the maximum amount of bonds which the state

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1 board of regents expects to issue under chapter 262A
 2 for the project authorized in this resolution is
 3 twenty-three million three hundred seventy-five
 4 thousand (23,375,000) dollars, in addition to the
 5 bonds authorized by Senate Concurrent Resolution 35
 6 of the Sixty-ninth General Assembly, First Session,
 7 and this plan of financing is approved; and

8 *Be It Further Resolved*, That the state board of

- 9 regents, in addition to the authorization contained
- 10 in Senate Concurrent Resolution 35, is authorized
- 11 to undertake and carry out the following project and
- 12 to pay all or any part of the cost of carrying out
- 13 the project by borrowing money and issuing negotiable
- 14 revenue bonds under chapter 262A in a total amount
- 15 not to exceed twenty-three million three hundred
- 16 seventy-five thousand (23,375,000) dollars during
- 17 the fiscal year ending June 30, 1983:
- 18 State University of Iowa
- 19 Law building
- 20 Cost of issuance of bonds

This resolution was read first time and placed on the Appropriations Calendar on page 1317 of the April 20, 1982, Senate Journal.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2435** be immediately messaged to the House.

SENATE INSISTS

House File 2463

Senator Tieden called up for consideration House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date, amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted on** its amendment.

Senator Brown took the chair at 9:40 a.m.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2460

Senator Murray called up for consideration House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5664 to Senate amendment H—5834 filed April 20, 1982.

A non record roll call was requested.

The ayes were 12, nays 36.

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

Senator Hultman asked and received unanimous consent that **House File 2460** be **immediately messaged** to the House.

President Branstad took the chair at 9:55 a.m.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2463** on the part of the Senate: Senators Schwengels, Chairperson; Goodwin, Tieden, Rodgers and Gallagher.

HOUSE AMENDMENT CONSIDERED

Senate File 2091

Senator Drake called up for consideration Senate File 2091, a bill for an act to increase the rate of the excise tax on gasohol, amended by the House in House amendment S—5663 filed April 20, 1982.

Senator Priebe offered amendment S—5693 filed by Senators Priebe, et al., on April 20, 1982, to pages 1 and 2 of House amendment S—5663.

Senator Priebe asked and received unanimous consent that action on amendment S—5693 to House amendment S—5663 be deferred.

Senator Vande Hoef offered amendment S—5702 filed by Senators Vande Hoef, et al., on April 20, 1982, to pages 1 and 2 of House amendment S—5663 and to the title.

Senator Priebe asked and received unanimous consent that action on **Senate File 2091**, House amendment S—5663 and amendments S—5693 and 5702 to House amendment S—5663 be **deferred**.

MOTION TO RECONSIDER ADOPTED

Senator Ramsey called up the motion to reconsider House File 2426 filed by him on April 8, 1982, found on page 1121 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2426) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 1:

Tieden

The motion prevailed.

Senator Ramsey moved to reconsider the vote by which House File 2426 went to its last reading, which motion prevailed by a voice vote.

House File 2426

On motion of Senator Gentleman, House File 2426, a bill for an act relating to the procedures for involuntary commitment or treatment of substance abusers, was taken up for reconsideration.

Senator Ramsey offered amendment S—5559 filed by him on April 13, 1982, to pages 1 and 6 of the bill and moved its adoption.

Amendment S—5559 was adopted by a voice vote.

Senator Gentleman offered amendment S—5707 filed by her on April 20, 1982, to pages 5, 8, 9, 11 and 13 through 16 of the bill and moved its adoption.

Amendment S—5707 was adopted by a voice vote.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2426) the vote was:

Ayes, 49:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 1:

Vande Hoef

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 that **House File 2426** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2486, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date.

This bill was read first time and **passed on file**.

House File 2489, a bill for an act to legalize the proceedings of the Estherville community school board relating to the sale of land.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILLS

Senate File 2306, by Committee on Ways and Means, a bill for an act relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions.

Read first time and placed on **Ways and Means Calendar**.

Senate File 2307, by Committee on Appropriations, a bill for an act appropriating funds for capital expenditures to the state conservation commission.

Read first time and placed on the **Appropriations Calendar**.

RECESS

On motion of Senator Hultman, the Senate recessed at 10:55 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2485, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

This bill was 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
(Appropriations Calendar)

Senate File 2304

On motion of Senator Murray, Senate File 2304, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983, was taken up for consideration.

Senator Baugher offered amendment S—5623 filed by Senators Baugher, et al., on April 15, 1982, to pages 2, 8 and 12 through 14 of the bill and moved its adoption.

Amendment S—5623 was adopted by a voice vote.

Senator Husak took the chair at 3:35 p.m.

Senator Ramsey offered amendment S—5678 filed by Senators Ramsey, et al., on April 20, 1982, to page 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 38, nays 10.

Amendment S—5678 was adopted.

Senator Murray offered amendment S—5679 filed by him on April 20, 1982, to pages 2, 32, 33, 54 and 55 of the bill.

Senator Murray offered amendment S—5694 filed by him on April 20, 1982, to amendment S—5679 and moved its adoption.

Amendment S—5694 was adopted by a voice vote.

Senator Murray moved the adoption of amendment S—5679 as amended, which motion prevailed by a voice vote.

President Branstad took the chair at 3:53 p.m.

Senator Priebe asked and received unanimous consent that action on amendment S—5722 filed by him from the floor to page 5 of the bill be deferred.

Senator Slater offered amendment S—5620 filed by him on April 15, 1982, to page 11 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5620 be adopted?” (S.F. 2304) the vote was:

Ayes, 33:

Anderson	Baugher	Brown	Carney
Carr	Coleman	Craft	DeKoster
Doyle	Drake	Gallagher	Gentleman
Hulse	Hultman	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Waldstein	Wells
Yenger			

Nays, 15:

Bisenius	Comito	Deluhery	Dreeszen
Goodwin	Gratias	Hester	Holden
Jensen	Lura	Small	Taylor
Tieden	Vande Hoef	Van Gilst	

Absent or not voting, 2:

Briles Kudart

Amendment S—5620 was adopted.

Senator Anderson offered amendment S—5714 filed by him from the floor to page 15 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5714 be adopted?” (S.F. 2304) the vote was:

Ayes, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Jensen	Junkins	Kinley

Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rodgers	Rush	Slater	Small
Wells			

Nays, 28:

Baughner	Bisenius	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Kudart
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Absent or not voting, 1:

Briles

Amendment S—5714 lost.

Senator Priebe offered amendment S—5725 filed by Senators Priebe and Waldstein from the floor to page 5 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 25, nays 22.

Amendment S—5725 was adopted.

With the adoption of amendment S—5725, the Chair ruled amendment S—5722 by Senator Priebe to page 5 of the bill, previously deferred, out of order.

Senator Nystrom offered amendment S—5645 filed by Senators Nystrom and Van Gilst on April 19, 1982, to page 17 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5645 be adopted?" (S.F. 2304) the vote was:

Ayes, 12:

Brown	Husak	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Schwengels	Small	Van Gilst

Nays, 37:

Anderson	Baughner	Bisenius	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Kinley
Lura	Murray	Ramsey	Readinger
Rodgers	Rush	Slater	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Absent or not voting, 1:

Briles

Amendment S—5645 lost.

Senator Schwengels offered amendment S—5711 filed by him on April 21, 1982, to page 17 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5711 be adopted?" (S.F. 2304) the vote was:

Ayes, 16:

Anderson	Brown	Carr	Coleman
Deluhery	Goodwin	Husak	Junkins
Miller, A.V.	Nystrom	Palmer	Rodgers
Schwengels	Slater	Small	Van Gilst

Nays, 31:

Bisenius	Carney	Comito	Craft
DeKoster	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kinley	Kudart	Lura
Miller, C.P.	Murray	Priebe	Ramsey
Readinger	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Absent or not voting, 3:

Baughner	Briles	Rush
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Amendment S—5711 lost.

Senator Bisenius offered amendment S—5675 filed by him on April 20, 1982, to page 17 of the bill and moved its adoption.

Senator Carney raised the point of order that amendment S—5675 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5675 out of order.

Senator Baugher offered amendment S—5588 filed by him on April 14, 1982, to page 18 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5588 be adopted?” (S.F. 2304) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Anderson	Baugher	Brown	Carr
Coleman	Comito	Deluhery	Doyle
Drake	Gentleman	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Rush
Slater	Small	Van Gilst	Wells

Nays, 23:

Bisenius	Carney	Craft	DeKoster
Dreeszen	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Schwengels	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 3:

Briles	Gallagher	Readinger
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Amendment S—5588 was adopted.

Senator Yenger offered amendment S—5709 filed by her on April 20, 1982, to page 24 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5709 be adopted?" (S.F. 2304) the vote was:

Ayes, 3:

Comito	Van Gilst	Yenger
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Nays, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Rodgers
Rush	Slater	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells

Absent or not voting, 3:

Gallagher	Readinger	Schwengels
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Amendment S—5709 lost.

(Senate File 2304 pending on adjournment.)

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Conference Committee, appointed April 21, 1982, on House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating the Iowa water council, on the part of the House are: The Representative from Clinton, Mr. Stueland, Chair; the Representative from Hardin, Mr. Cook; the Representative from Audubon, Mr. Anderson; the Representative from Appanoose, Mr. Jay; and the Representative from Van Buren, Mr. Sullivan.

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

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 2308, by Hultman and Junkins, a bill for an act authorizing two or more counties to establish a joint indigent defense fund.

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

Senate File 2309, by Committee on Ways and Means, a bill for an act relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive.

Read first time and **placed on the Ways and Means Calendar**.

APPENDIX

FURTHER REPORT OF COMMITTEE MEETING

APPROPRIATIONS*

*A previous report of this meeting was recorded on pages 1320-1321 of the Senate Journal.

Final Bill Action: SENATE FILE 2307 (SSB 2268), a bill for an act appropriating funds for capital expenditures to the state conservation commission.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

COMMUNICATION

The following communication was filed with the Secretary of the Senate on April 15, 1982:

April 15, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

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

These include 9 claims of a general nature. This supplements our filing of December 22, 1981.

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

Very truly yours,
MAURICE E. BARINGER
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

K. MARIE THAYER
Secretary of the Senate

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
063-70-25	Rasmussen Buick-GMC, Inc. Council Bluffs Sales Tax Refund	\$150.00	Disapproved
064-70-25	Kristine Grimm Des Moines Salary Adjustment	1,032.50	Disapproved
098-70-25	Pulley Freight Lines, Inc. Des Moines Registration Fee Refund	568.20	Disapproved
101-70-25	Pathology Laboratory, P.C. Des Moines Title XIX	286.00	Disapproved
122-70-25	R.W. Hoffmann, M.D., P.C. Des Moines Title XIX	750.00	Disapproved
123-70-25	Cyclone Transport, Inc. Reinbeck Registration Refund	1,191.84	Disapproved
129-70-25	Allen Memorial Hospital Waterloo Title XIX	23.10	Disapproved
130-70-25	Allen Memorial Hospital Waterloo Title XIX	21.40	Disapproved
148-70-25	Ruegnitz Drug Store Dubuque Title XIX	551.96	Disapproved

PROOF OF PUBLICATION

Published copy of House File 2489 and verified proof of publication of said bill in the Estherville Daily News, a newspaper published in Estherville, Iowa, on April 9, 1982, was filed with the Secretary of the Senate prior to the timesaid bill was placed on passage in the Senate.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 1982, the Governor approved and transmitted to the Secretary of the State the following bill:

S.F. 2235—To authorize the Iowa Natural Resources Council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville Reservoir, effective upon publication.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. C.R. 127 Rules and Administration

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: April 21, 1982, 5:15 p.m.

Members Present: Taylor, Chair; Hester, Vice Chair; Hutchins, Ranking Member; Dreeszen, Hulse, Husak, Vande Hoef, Van Gilst and Waldstein.

Members Absent: A. Miller.

Final Bill Action: SENATE CONCURRENT RESOLUTION 125, a resolution regarding the Commodity Credit Corporation grain storage program.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Taylor, Hester, Hutchins, Dreeszen, Hulse, Husak, Vande Hoef, Van Gilst and Waldstein. Nays, none. Absent or not voting, 1: A. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 5:20 p.m.

WAYS AND MEANS

Convened: April 21, 1982, 8:30 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Lura, Priebe, Rush, Taylor and Van Gilst.

Members Absent: Junkins, Palmer and Ramsey.

Final Bill Action: SENATE FILE 2306 (SSB 2262), a bill for an act relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Rodgers, Hester, Priebe, Husak, Holden, Taylor, Hultman and Van Gilst. Nays, none. Absent or not voting, 6: Readinger, Junkins, Lura, Palmer, Ramsey and Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:00 a.m.

WAYS AND MEANS

Convened: April 21, 1982, 5:13 p.m.

Members Present: Craft, Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Priebe, Taylor and Van Gilst.

Members Absent: Readinger, Vice Chair; Junkins, Lura, Palmer, Ramsey and Rush.

Final Bill Action: SENATE FILE 2309 (SSB 2265), a bill for an act relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Rodgers, Hester, Holden, Hultman, Husak, Priebe, Taylor and Van Gilst. Nays, none. Absent or not voting, 6: Readinger, Junkins, Lura, Palmer, Ramsey and Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 5:14 p.m.

PRESENTATION OF VISITORS

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

Sixty students from Adel-DeSoto Junior-Senior High School, Adel, Iowa, accompanied by Mike Myers. Senator Rodgers.

Thirty students from Central Webster Senior High School, Burnside, Iowa, accompanied by James Ainslie. Senator Coleman.

Forty students from Clarinda High School, Clarinda, Iowa, accompanied by Pat Cassat. Senator Briles.

Twenty-five students from Cal Community School, Latimer, Iowa, accompanied by Bob O'Brien, Doug Warwick and Tom Teggatz. Senator Taylor.

Senator Tieden presented Sean Charters from Johannesburg, Republic of South Africa, rotary exchange student, accompanied by his sponsors, the Vernon Walter family.

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

Fifty students from St. John Elementary School, Independence, Iowa, accompanied by Joseph Streit. Senator Taylor.

Eighty students from Carroll High School, Carroll, Iowa, accompanied by Warren Rudkin. Senator Hutchins.

Forty-nine students from Milford Community School, Milford, Iowa, accompanied by Eyleen Anderson and Georgia Sheley. Senator Vande Hoef.

Forty-three students from Kanawha Elementary School, Kanawha, Iowa, accompanied by Marilyn Olson, Doris Muyskens and Leroy Scharnhorst. Senator Taylor.

One hundred six students from Forest City Community School, Forest City, Iowa, accompanied by Ron Sanderson, Steve Koppes and Randy Pruiser. Senator Priebe.

Ninety seventh and eighth grade students from Howard, Winneshiek and Allamakee Counties, accompanied by Dick Horn. Senators Craft, Gratias and Tieden.

President Branstad welcomed the Honorable Milo Merritt, former member of the Senate from Mitchell County, who was present in the Senate chamber.

AMENDMENTS FILED

S—5710

S. C.R. 128

John N. Nystrom
Bass Van Gilst

S—5711	S. F.	2304	Forrest V. Schwengels
S—5712	S. F.	268	Lucas J. DeKoster
S—5713	H.F.	2477	Sue Yenger
S—5714	S. F.	2304	Ted Anderson
S—5715	S. J. R.	2004	Ted Anderson Stephen W. Bisenius
S—5716	S. F.	2304	Clarence S. Carney Ted Anderson
S—5718	S. F.	2304	Arne Waldstein
S—5719	S. F.	2304	Arne Waldstein John S. Murray Tom Slater Sue Yenger Bob Carr
S—5720	S. F.	2304	Lucas J. DeKoster
S—5721	S. F.	2304	Bob Rush
S—5722	S. F.	2304	Berl E. Priebe
S—5723	S. F.	2304	Sue Yenger
S—5724	S. F.	2304	Dick Ramsey
S—5725	S. F.	2304	Berl E. Priebe Arne Waldstein
S—5726	S. F.	2304	Bob Rush Berl E. Priebe
S—5727	S. F.	2304	Arne Waldstein
S—5728	S. F.	2304	Patrick J. Deluhery
S—5729	S. F.	2304	Dick Ramsey Forrest V. Schwengels
S—5730	S. F.	2304	Edgar H. Holden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:30 p.m., until 9:00 a.m., Thursday, April 22, 1982.

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SEVENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 22, 1982

The Senate met in regular session at 9:20 a.m., President Branstad presiding.

Prayer was offered by the Reverend Vincint Fricke, pastor of the Gilbert Lutheran Church, Gilbert, Iowa.

The Journal of Wednesday, April 21, 1982, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 2297, a bill for an act providing that an assessor shall not list personal property if valuation has not increased to an amount greater than the amount of the credit.

ALSO: That the House has on April 20, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2300, a bill for an act relating to regulation of financial institutions.

ALSO: That the House has on April 20, 1982, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 2111, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree.

House File 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

ALSO: That the House has on April 21, 1982, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 777, a bill for an act relating to assignments of instruments and accounts.

House File 844, a bill for an act relating to the filing of a claim for the homestead credit or military service tax exemption.

House File 861, a bill for an act authorizing a person who is confined in a hospital or care facility to qualify for property tax credit.

House File 2351, a bill for an act relating to property tax by providing for exemptions for wetlands and increasing the amount of acres to be exempted for certain organizations.

House File 2368, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of other debts.

House File 2393, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

House File 2430, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings.

House File 2484, a bill for an act relating to mobile homes by providing that the semi-annual mobile home tax is due and payable and delinquent at the same time as real property tax.

ALSO: That the House has on April 15, 1982, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2334, a bill for an act relating to railroad property.

ALSO: That the House has on April 21, 1982, concurred in Senate amendment as amended, and passed the following bills in which the concurrence of the House was asked:

House File 2339, a bill for an act to prohibit bail following conviction of a forcible felony.

House File 2369, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances.

ALSO: That the House has on April 21, 1982, concurred in Senate amendment to House amendment, and passed the following bills in which the concurrence of the House was asked:

Senate File 276, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date.

Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program.

ALSO: That the House has on April 20, 1982, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons.

ALSO: That the House has on April 21, 1982, refused to concur in Senate amendment to House amendment to the following bill in which the concurrence of the House was asked:

Senate File 2245, a bill for an act extending the operation of the department of substance abuse and striking the exemption of a program receiving state dollars from inspections by the department.

INTRODUCTION OF RESOLUTIONS

SENATE CONCURRENT RESOLUTION 130

By: Committee on Agriculture

- 1 *Whereas*, the national animal welfare movement is
- 2 planning to stage during the summer of 1982 a thirty-six
- 3 hour telethon with access to an estimated fifty million
- 4 households, with eighty to one hundred celebrities
- 5 scheduled to appear on behalf of the animal welfare
- 6 movement; and
- 7 *Whereas*, the livestock industry is very important to
- 8 the economy of the state of Iowa, generating direct

9 cash receipts of five billion seven hundred thousand dollars
10 in 1981; and

11 *Whereas*, livestock producers, who are motivated by
12 profit, realize that maximum profitability cannot be
13 achieved without careful attention to animal welfare
14 by improving animal health; and

15 *Whereas*, modern, intensive livestock production
16 methods embody better nutrition, better control of
17 diseases and parasites, and better protection against
18 predators, extreme temperatures, and storms than ever
19 before in the history of American agriculture; and

20 *Whereas*, the ultimate beneficiary of modern livestock
21 production methods in the United States is not the
22 producer but the consumer, who spends only fourteen per-
23 cent of disposable income for food, as compared to twenty
24 percent in Japan, thirty-five percent in the Soviet
25 Union, thirty-seven percent in Brazil and fifty percent
26 in India; *Now Therefore*,

27 *Be It Resolved by the Senate, the House Concurring*,
28 That the General Assembly of the state of Iowa strongly
29 supports the Iowa livestock industry and its ability
30 to employ modern, efficient, and intensive livestock

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1 production methods for the benefit of this country's
2 food consumers and opposes any national legislation
3 or rules restricting the rights of livestock producers
4 to do so; and

5 *Be It Further Resolved*, That copies of this resolu-
6 tion be forwarded to each member of Iowa's congress-
7 sional delegation.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 131

By: Gallagher and Schwengels

1 *Whereas*, the Sixty-ninth General Assembly passed
2 legislation dealing with the installation of pipelines,
3 damages resulting from the installation, and property
4 owner concerns; and

5 *Whereas*, there may still exist problems concerning
6 the installation of pipelines including the location
7 of the pipeline, possible property damage resulting
8 from installation, and other environmental concerns
9 that were not addressed in the legislation passed by
10 the Sixty-ninth General Assembly; and

11 *Whereas*, the General Assembly should review the

12 implementation of past legislation as well as current
 13 problems that still exist in the area of pipeline
 14 construction and installation; *Now Therefore,*
 15 *Be It Resolved by the Senate, the House Concurring,*
 16 That the Legislative Council is requested to appoint
 17 an interim subcommittee composed of members of the
 18 House and Senate standing committees on Natural
 19 Resources to study the problems associated with pipe-
 20 line construction and installation; and
 21 *Be It Further Resolved,* That the committee examine
 22 the issues and problems associated with pipelines
 23 including pipeline construction, pipeline location
 24 including route determination and the possibility
 25 of personal and property damage resulting from pipe-
 26 lines being located near businesses that utilize
 27 explosives, environmental disruption, property owner
 28 concern, and the geological makeup of certain regions
 29 faced with these problems and make recommendations to
 30 the 1983 General Assembly accompanied by proposed rule

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- 1 changes or bill drafts as necessary to carry out the
- 2 recommendations of the study committee.

Read first time and passed on file.

UNFINISHED BUSINESS
 (Pending April 21, 1982)

Senate File 2304

The Senate resumed consideration of Senate File 2304, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983, pending on April 21, 1982.

Senator Baugher offered amendment S—5735 filed by him from the floor to page 9 of the bill and moved its adoption.

Amendment S—5735 was adopted by a voice vote.

Senator Drake offered amendment S—5708 filed by Senators Drake and Tieden on April 20, 1982, to page 28 of the bill.

Senator Murray raised the point of order that amendment S—5708 was not germane to the bill.

Senator Murray withdrew his point of order.

Senator Murray asked and received unanimous consent that action on amendment S—5708 be deferred.

Senator Carney offered amendment S—5716 filed by Senators Carney and Anderson on April 21, 1982, to pages 29 and 30 of the bill.

Senator Priebe called for a division of amendment S—5716: line 2 as division S—5716A and lines 3 through 6 as division S—5716B.

Senator Carney moved the adoption of division S—5716A.

A record roll call was requested.

On the question “Shall division S—5716A be adopted?” (S.F. 2304) the vote was:

Ayes, 36:

Anderson	Bisenius	Briles	Brown
Carney	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Hester
Holden	Hulse	Husak	Hutchins
Junkins	Kinley	Kudart	Lura
Miller, C.P.	Murray	Palmer	Ramsey
Readinger	Rodgers	Rush	Taylor
Vande Hoef	Waldstein	Wells	Yenger

Nays, 7:

Baughner	Goodwin	Miller, A.V.	Priebe
Small	Tieden	Van Gilst	

Absent or not voting, 7:

Carr	Gratias	Hultman	Jensen
Nystrom	Schwengels	Slater	

Division S—5716A was adopted.

Senator Carney moved the adoption of division S—5716B, which motion prevailed by a voice vote.

With the adoption of division S—5716B, the Chair ruled the following amendments out of order:

S—5609 filed by Senators Carney and Anderson on April 15, 1982, to pages 29 and 30 of the bill.

S—5642 filed by Senators Carney and Anderson on April 19, 1982, to pages 29 and 30 of the bill.

S—5596 filed by Senator Priebe on April 14, 1982, to page 29 of the bill.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of **House File 2483** to the committee on **Human Resources** and **House File 2485** to the committee on **Transportation**.

BUSINESS PENDING

Senate File 2304

The Senate resumed consideration of Senate File 2304.

Senator Gentleman offered amendment S—5742 filed by Senators Gentleman and Bisenius from the floor to page 17 of the bill.

Senator Murray raised the point of order that amendment S—5742 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5742 out of order.

Senator Tieden offered amendment S—5687 filed by him on April 20, 1982, to page 31 of the bill and moved its adoption.

Amendment S—5687 was adopted by a voice vote.

Senator Hutchins offered amendment S—5741 filed by him from the floor to page 18 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 15, nays 24.

Amendment S—5741 lost.

Senator Bisenius offered amendment S—5738 filed by Senators Bisenius and Dreeszen from the floor to page 18 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5738 be adopted?" (S.F. 2304) the vote was:

Ayes, 8:

Baughner	Bisenius	Dreeszen	Gentleman
Ramsey	Taylor	Vande Hoef	Van Gilst

Nays, 40:

Anderson	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Gallagher
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Waldstein	Wells	Yenger

Absent or not voting, 2:

Comito	Tieden
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Amendment S—5738 lost.

BILL ASSIGNED TO COMMITTEE

President Branstad announced that **House File 2489** was assigned to the committee on **Judiciary**.

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

The Senate resumed session, Senator Carney presiding.

BUSINESS PENDING

Senate File 2304

The Senate resumed consideration of Senate File 2304.

Senator Ramsey withdrew amendment S—5724 filed by him on April 21, 1982, to page 36 of the bill.

Senator Ramsey offered amendment S—5729 filed by Senators Ramsey and Schwengels on April 21, 1982, to page 34 of the bill and moved its adoption.

Amendment S—5729 was adopted by a voice vote.

Senator Schwengels withdrew amendment S—5638 filed by him on April 19, 1982, to page 35 of the bill.

Senator Rush asked and received unanimous consent to withdraw amendment S—5661 filed by Senators Rush and Small on April 19, 1982, to page 37 of the bill.

Senator Rush offered amendment S—5721 filed by Senators Rush and Small on April 21, 1982, to page 37 of the bill and moved its adoption.

Amendment S—5721 was adopted by a voice vote.

Senator Jensen offered amendment S—5686 filed by him on April 20, 1982, to page 37 of the bill and moved its adoption.

Amendment S—5686 was adopted by a voice vote.

Senator Deluhery offered amendment S—5728 filed by Senators Deluhery and Holden on April 21, 1982, to page 35 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 29.

Amendment S—5728 lost.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:52 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.
President Branstad took the chair at 1:10 p.m.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

April 22, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Thayer:

It is my pleasure to submit to the Senate for their consideration the name of David H. Swanson, Ames, Story County, Iowa, for appointment as Director of the Development Commission pursuant to Chapter 28.3, 1981 Code of Iowa, for a term effective immediately and to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

The communication was read and referred to the committee on **Rules and Administration.**

BUSINESS PENDING

Senate File 2304

The Senate resumed consideration of Senate File 2304 and amendment S—5708, pending on recess.

Senator Drake offered amendment S—5745 filed by Senators Drake and Tieden from the floor to page 28 of the bill.

Senator Priebe raised the point of order that amendment S—5745 was not germane to the bill.

Senator Priebe withdrew his point of order.

Senator Drake moved the adoption of amendment S—5745, which motion prevailed by a voice vote.

With the adoption of amendment S—5745, the Chair ruled the following amendments out of order:

S—5590 filed by Senator Drake on April 14, 1982, to page 28 of the bill.

S—5708 by Senators Drake and Tieden to page 28 of the bill, previously deferred.

Senator Holden withdrew amendment S—5730 filed by him on April 21, 1982, to page 37 of the bill.

Senator Holden offered amendment S—5740 filed by him from the floor to page 37 of the bill.

Senator Small raised the point of order that amendment S—5740 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5740 out of order.

Senator Holden offered amendment S—5746 filed by him from the floor to page 37 of the bill.

Senator Anderson raised the point of order that amendment S—5746 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5746 out of order.

Senator Waldstein offered amendment S—5719 filed by Senators Waldstein, et al., on April 21, 1982, to pages 38, 39, 41, 43 and 53 of the bill.

Senator Yenger offered amendment S—5723 filed by her on April 21, 1982, to page 2 of amendment S—5719 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5723 to amendment S—5719 be adopted?” (S.F. 2304) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Anderson	Brown	Doyle	Drake
Dreeszen	Gallagher	Gratias	Husak
Hutchins	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rodgers	Rush	Vande Hoef	Van Gilst
Wells	Yenger		

Nays, 28:

Baughner	Bisenius	Briles	Carney
Carr	Coleman	Cornito	Craft
DeKoster	Deluhery	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Jensen	Kudart	Murray	Nystrom
Ramsey	Readinger	Schwengels	Slater
Small	Taylor	Tieden	Waldstein

Amendment S—5723 lost.

Senator Waldstein moved the adoption of amendment S—5719, which motion prevailed by a voice vote.

With the adoption of amendment S—5719, the Chair ruled the following amendments out of order:

S—5594 filed by Senator Priebe on April 14, 1982, to pages 41 and 53 of the bill.

S—5600 filed by Senator Priebe on April 14, 1982, to pages 41 and 53 of the bill.

S—5616 filed by Senator Waldstein on April 15, 1982, to pages 41, 42 and 53 of the bill.

S—5696 filed by Senators Waldstein, et al., on April 20, 1982, to pages 41, 42 and 53 of the bill.

S—5726 filed by Senators Rush and Priebe on April 21, 1982, to amendment S—5696.

S—5727 filed by Senator Waldstein on April 21, 1982, to amendment S—5696.

Senator Slater offered amendment S—5612 filed by Senators Slater and Waldstein on April 15, 1982, to page 39 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 42, nays 3.

Amendment S—5612 was adopted.

Senator Slater offered amendment S—5681 filed by him on April 20, 1982, to page 39 of the bill and moved its adoption.

Amendment S—5681 was adopted by a voice vote.

Senator Waldstein offered amendment S—5718 filed by him on April 21, 1982, to page 49 of the bill and moved its adoption.

Amendment S—5718 was adopted by a voice vote.

Senator Taylor offered amendment S—5677 filed by him on April 20, 1982, to page 50 of the bill and moved its adoption.

Amendment S—5677 was adopted by a voice vote.

Senator DeKoster offered amendment S—5720 filed by him on April 21, 1982, to page 53 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 43, nays 2.

Amendment S—5720 was adopted.

Senator Drake offered amendment S—5592 filed by Senators Drake, et al., on April 14, 1982, to page 55 of the bill.

Senator Bisenius offered amendment S—5737 filed by him from the floor to amendment S—5592 and moved its adoption.

A non record roll call was requested.

The ayes were 8, nays 37.

Amendment S—5737 lost.

Senator Priebe asked unanimous consent that action on amendment S—5592 be deferred.

Senator Priebe withdrew his request.

Senator Drake moved the adoption of amendment S—5592.

A record roll call was requested.

On the question "Shall amendment S—5592 be adopted?" (S.F. 2304) the vote was:

Ayes, 23:

Anderson	Brown	Carr	Coleman
Comito	Deluhery	Doyle	Drake
Dreeszen	Husak	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Rodgers	Rush	Slater	Small
Van Gilst	Wells	Yenger	

Nays, 27:

Baughner	Bisenius	Briles	Carney
Craft	DeKoster	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Murray	Nystrom	Priebe
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	

Amendment S—5592 lost.

BILL ASSIGNED TO COMMITTEE

President Branstad announced that **Senate File 2308** was assigned to the committee on **Judiciary**.

BUSINESS PENDING

Senate File 2304

The Senate resumed consideration of Senate File 2304.

Senator Holden offered amendment S—5752 filed by Senators Holden and Hutchins from the floor to pages 37 and 55 of the bill.

Senator Small raised the point of order that amendment S—5752 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5752 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 amendment S—5588 to Senate File 2304 was adopted by the Senate on April 21, 1982.

Senator Baugher 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—5620 to Senate File 2304 was adopted by the Senate on April 21, 1982.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2304) the vote was:

Ayes, 22:

Anderson	Baugher	Bisenius	Briles
Brown	Coleman	Comito	Craft
Deluhery	Dreeszen	Gratias	Holden
Kudart	Lura	Miller, A.V.	Priebe
Readinger	Small	Taylor	Vande Hoef
Van Gilst	Waldstein		

Nays, 27:

Carney	Carr	DeKoster	Doyle
Drake	Gallagher	Gentleman	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Miller, C.P.	Murray	Nystrom	Palmer
Rodgers	Rush	Schwengels	Slater
Tieden	Wells	Yenger	

Absent or not voting, 1:

Ramsey

The motion lost.

Senator Waldstein offered amendment S—5754 filed by him from the floor to pages 41, 42 and 53 of the bill.

Senator Rush asked and received unanimous consent that action on amendment S—5754 be deferred.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House, on April 22, 1982, **insisted on its amendment to House File 2250**, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system, 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 O'Brien, Mr. Menke; the Representative from Pottawattamie, Mr. Danker; the Representative from Pottawattamie, Mr. Pavich; and the Representative from Plymouth, Mr. Binneboese.

ALSO: That the House, on April 22, 1982, **insisted on its amendment to House File 2460**, a bill for an act to amend the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel, and that the members of the **Conference Committee** on the part of the House are: The Representative from Muscatine, Mr. Conlon, Chair; the Representative from Dallas, Mrs. Poffenberger; the Representative from Polk, Mrs. Trucano; the Representative from Johnson, Mrs. Doderer; and the Representative from Dubuque, Mr. Welsh.

INTRODUCTION OF BILLS

Senate File 2310, by Committee on Ways and Means, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date.

Read first time and placed on the **Ways and Means Calendar**.

Senate File 2311, by Committee on Ways and Means, a bill for an act relating to the establishment of a corn storage facility loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, increasing the bonding limit of the authority, making coordinating amendments, and making it effective upon publication.

Read first time and placed on the **Ways and Means Calendar**.

BUSINESS PENDING

Senate File 2304

The Senate resumed consideration of Senate File 2304.

Senator Brown filed the following motion to reconsider from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5718 to Senate File 2304 was adopted by the Senate on April 22, 1982.

Action on the motion to reconsider was temporarily deferred.

Senator Carney took the chair at 4:05 p.m.

The Senate resumed consideration of amendment S—5754, to pages 41, 42 and 53 of the bill, previously deferred.

Senator Rush offered amendment S—5756 filed by Senators Rush and Priebe from the floor to amendment S—5754 and called for a division of the amendment: lines 3 through 12 as division S—5756A and lines 13 through 15 as division S—5756B.

Senator Rush moved the adoption of division S—5756A to amendment S—5754 and requested a record roll call.

On the question "Shall division S—5756A to amendment S—5754 be adopted?" (S.F. 2304) the vote was:

Ayes, 15:

Anderson	Brown	Carr	Deluhery
Doyle	Husak	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rush	Van Gilst	Wells	

Nays, 32:

Baugher	Bisenius	Briles	Carney
Coleman	Craft	DeKoster	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Kudart
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 3:

Comito	Rodgers	Small
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Division S—5756A lost.

Senator Rush moved the adoption of division S—5756B to amendment S—5754.

A record roll call was requested.

On the question “Shall division S—5756B to amendment S—5754 be adopted?” (S.F. 2304) the vote was:

Ayes, 20:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Readinger
Rodgers	Rush	Van Gilst	Wells

Nays, 28:

Baughner	Bisenius	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 2:

Gratias Small

Division S—5756B lost.

Senator Waldstein moved the adoption of amendment S—5754, which motion prevailed by a voice vote.

With the adoption of amendment S—5754, the Chair ruled the following amendments out of order:

S—5615 filed by Senator Waldstein on April 15, 1982, to pages 41 and 53 of the bill.

S—5672 filed by Senator Rush on April 20, 1982, to amendment S—5615.

S—5750 filed by Senator Rush from the floor to page 53 of the bill.

The Senate resumed consideration of the motion to reconsider amendment S—5718 by Senator Brown, previously deferred.

Senator Brown moved the adoption of the motion to reconsider.

The motion prevailed by a voice vote and amendment S—5718 to page 49 of the bill was taken up for reconsideration.

Senator Waldstein offered amendment S—5757 filed by Senators Waldstein and Brown from the floor to amendment S—5718 and moved its adoption.

Amendment S—5757 was adopted by a voice vote.

Senator Waldstein moved the adoption of amendment S—5718 as amended.

A record roll call was requested.

On the question "Shall amendment S—5718 as amended be adopted?" (S.F. 2304) the vote was:

Ayes, 27:

Baughner	Bisenius	Briles	Carney
Comito	DeKoster	Drake	Dreeszen
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Murray	Nystrom	Priebe
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	

Nays, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Gentleman
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Rodgers
Rush	Slater	Van Gilst	Wells
Yenger			

Absent or not voting, 2:

Craft	Small
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Amendment S—5718 as amended was adopted.

Senator Priebe offered amendment S—5758 filed by him from the floor to page 41 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5758 be adopted?" (S.F. 2304) the vote was:

Ayes, 18:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rush	Vande Hoef
Van Gilst	Wells		

Nays, 30:

Baughner	Bisenius	Briles	Carney
Comito	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Rodgers	Schwengels
Slater	Small	Taylor	Tieden
Waldstein	Yenger		

Absent or not voting, 2:

Craft Junkins

Amendment S—5758 lost.

Senator Priebe withdrew amendment S—5759 filed by him from the floor to page 41 of the bill.

President Branstad took the chair at 5:03 p.m.

Senator Hutchins offered amendment S—5755 filed by him from the floor to page 55 of the bill.

Senator Murray raised the point of order that amendment S—5755 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5755 out of order.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 20, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2488, a bill for an act relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for increasing employment over previous years.

This bill was read first time and **passed on file**.

BUSINESS PENDING

Senate File 2304

The Senate resumed consideration of Senate File 2304.

Senator Priebe offered amendment S—5760 filed by Senators Priebe, Holden and Tieden from the floor to page 53 of the bill and moved its adoption.

Amendment S—5760 was adopted by a voice vote.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2304) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Comito

Absent or not voting, 1:

Craft

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 that **Senate File 2304** be **immediately messaged** to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2250** on the part of the Senate: Senators Drake, Chair; Comito, Jensen, Miller of Cerro Gordo and Brown.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2309.

Senate File 2309

On motion of Senator Readinger, Senate File 2309, a bill for an act relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive, was taken up for consideration.

Senator Readinger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2309) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden

Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senator Hultman asked and received unanimous consent that **Senate File 2309** be immediately messaged to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2460** on the part of the Senate: Senators Murray, Chair; Gentleman, Ramsey, Rush and Coleman.

APPENDIX

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration placed the following appointment on the **En Bloc Confirmation Calendar** on April 22, 1982, and recommended the appointment be confirmed by the Senate:

Jan A. Brown—State Board of Dental Examiners.

CALVIN O. HULTMAN, Chair

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 22nd day of April, 1982:

Senate Files 260, 537, 2232, 2252 and 2291.

K. MARIE THAYER
Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

S. C.R.	129	Rules and Administration
S. R.	115	Human Resources
H.C.R.	144	Rules and Administration

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointment to a **standing committee** for investigation on April 22, 1982:

Director of Development Commission—David H. Swanson—Natural Resources.

CALVIN O. HULTMAN, Chair

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 22, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 460—Relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society.

S.F. 578—Authorizing certain special charter cities to adopt by election a nonpartisan form of city election.

S.F. 2156—Relating to the issuance of certificates of title by the Clerk of the District Court.

S.F. 2172—Relating to the electronic transfer of funds.

S.F. 2238—Relating to the levy of a property tax for fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more.

S.F. 2242—Relating to a life insurance company's investment of funds for legal reserve purposes.

S.F. 2267—To legalize and validate the proceedings of the Board of Directors of the Iowa Western Community College.

S.F. 2273—Relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits.

S.F. 2281—Relating to the contract price for construction of a public improvement which requires a bond.

REPORT OF INVESTIGATING COMMITTEE (Place Nominee on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Natural Resources assigned to investigate the character and qualifications of David H. Swanson, Ames, Story County, Iowa, for appointment as Director of Development Commission under the provisions of Chapter 28.3, 1981 Code of Iowa, for a term beginning immediately and ending at the pleasure of the Governor, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chair

**FURTHER
REPORT OF COMMITTEE MEETING**

AGRICULTURE*

*A previous report of this meeting was recorded on page 1346 of the Senate Journal.

Final Bill Action: SENATE CONCURRENT RESOLUTION 130, a resolution opposing national legislation restricting livestock producers.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Taylor, Hester, Hutchins, Dreeszen, Hulse, Husak, Vande Hoef, Van Gilst and Waldstein. Nays, none. Absent or not voting, 1: A. Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: April 22, 1982, 5:35 p.m.

Members Present: Gentleman, Chair; Yenger, Vice Chair; C. Miller, Ranking Member, Carr, Coleman, Drake (arrived 5:45 p.m.), Gratias, Hulse, A. Miller, Nystrom and Vande Hoef.

Members Absent: Slater.

Final Bill Action: HOUSE FILE 2483, a bill for an act relating to the applicability of the certificate of need program.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gentleman, Yenger, C. Miller, Drake, Gratias, Hulse, A. Miller and Vande Hoef. Nays, 2: Carr and Coleman. Absent or not voting, 2: Nystrom and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 5:50 p.m.

TRANSPORTATION

Convened: April 22, 1982, 12:00 noon.

Members Present: Drake, Chair; Jensen, Vice Chair; Coleman, Ranking Member; Hutchins, Murray, Nystrom, and A. Miller.

Members Absent: Bisenius, Doyle and Comito.

Final Bill Action: HOUSE FILE 2485, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Drake, Jensen, Coleman, A. Miller, Hutchins, Murray and Nystrom. Nays, none. Absent or not voting, 3: Bisenius, Doyle and Comito.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:05 p.m.

WAYS AND MEANS

Convened: April 22, 1982, 8:20 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Priebe, Ramsey, Rush and Taylor.

Members Absent: Palmer and Van Gilst (excused).

Final Bill Action: SENATE FILE 2310, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak and Priebe. Nays, none. Absent or not voting, 7: Junkins, Lura, Palmer, Ramsey, Rush, Taylor and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: SENATE FILE 2311, a bill for an act relating to the establishment of a corn storage facility loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, increasing the bonding limit of the authority, making coordinating amendments, and making it effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Craft, Readinger, Hester, Holden, Husak, Junkins, Priebe, Ramsey, Taylor and Hultman. Nays, 3; Rodgers, Lura and Rush. Absent or not voting, 2: Palmer and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Business: Approved Senate File 2179 as a committee bill; approved concurrent resolution.

Adjourned: 9:00 a.m.

PRESENTATION OF VISITORS

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

Forty-three students from Holy Family Visitation Attendance Center, Des Moines, Iowa, accompanied by Dennis Elings and Sandra Rouse. Senator Palmer.

Sixty students from Nora Springs-Rock Falls Junior-Senior High School, Nora Springs, Iowa, accompanied by Mr. Altman and Mr. Young. Senator Gratias.

Forty-three students from Manson Community School, Manson, Iowa, accompanied by Gary Mays. Senator Dreeszen.

The following visitors were present in the Senate gallery:

Sixty students from Iowa Christian Academy, Marshalltown, Iowa, accompanied by George Stille. Senators Taylor and Lura.

Senator Yenger presented Arel Hulen, President, and James Keasling, Director, of the Wapello County Sheriff's Posse, who were present in the Senate chamber. The twenty-one member volunteer organization was named the outstanding unit of 1981 by the Iowa State Reserve Law Officers Association.

AMENDMENTS FILED

S-5731	S. F.	2300	House Amendment
S-5732	H.F.	2369	House Amendment
S-5733	H.F.	2334	House Amendment
S-5734	H.F.	2339	House Amendment
S-5735	S. F.	2304	Gary L. Baugher
S-5736	S. C.R.	128	John N. Nystrom Bass Van Gilst

S—5737	S. F.	2304	Stephen W. Bisenius
S—5738	S. F.	2304	Stephen W. Bisenius Elvie L. Dreeszen
S—5739	S. F.	268	Donald V. Doyle
S—5740	S. F.	2304	Edgar H. Holden
S—5741	S. F.	2304	C.W. Bill Hutchins
S—5742	S. F.	2304	Julia Gentleman Stephen W. Bisenius
S—5743	H.F.	2485	Richard F. Drake Lowell L. Junkins
S—5744	H.F.	2477	Bob Rush
S—5745	S. F.	2304	Richard F. Drake Dale L. Tieden
S—5746	S. F.	2304	Edgar H. Holden
S—5747	S. C.R.	128	Ted Anderson
S—5748	S. C.R.	128	John N. Nystrom Bass Van Gilst
S—5749	H.F.	2485	Bass Van Gilst
S—5750	S. F.	2304	Bob Rush
S—5751	S. C.R.	128	Stephen W. Bisenius
S—5752	S. F.	2304	Edgar H. Holden C.W. Bill Hutchins
S—5753	S. F.	2300	Edgar H. Holden Bob Rush Emil J. Husak Richard Comito
S—5754	S. F.	2304	Arne Waldstein
S—5755	S. F.	2304	C.W. Bill Hutchins
S—5756	S. F.	2304	Bob Rush Berl E. Priebe
S—5757	S. F.	2304	Arne Waldstein Joe Brown
S—5758	S. F.	2304	Berl E. Priebe
S—5759	S. F.	2304	Berl E. Priebe
S—5760	S. F.	2304	Berl E. Priebe Edgar H. Holden Dale L. Tieden

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:40 p.m., until 9:00 a.m., Friday, April 23, 1982.

JOURNAL OF THE SENATE

ONE HUNDRED THIRD CALENDAR DAY
SEVENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 23, 1982

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Melecio Valdez, pastor of the Galva-Silver Creek United Methodist Church, Galva, Iowa.

The Journal of Thursday, April 22, 1982, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2305, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date.

ALSO: That the House has on April 22, 1982, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2426, a bill for an act relating to procedures for involuntary commitment or treatment of substances abusers.

ALSO: That the House has on April 22, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2481, a bill for an act relating to the certified eligible list for promotion for city civil service.

This bill was read first time and **passed on file**.

House File 2490, a bill for an act relating to funds deposited by public entities in banks or bank offices.

This bill was read first time and referred to the committee on Commerce.

House File 2491, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

This bill was read first time and **passed on file**.

House File 2493, a bill for an act relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program.

This bill was read first time and **passed on file**.

House File 2494, a bill for an act appropriating funds to the state conservation commission for capital expenditures and land acquisition.

This bill was read first time and **passed on file**.

House Joint Resolution 2003, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

This resolution was read first time and **passed on file**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 132

By: Committee on Ways and Means

- 1 *Whereas*, there is public concern that the productivity
- 2 formula used to value agricultural land does not include
- 3 certain criteria which impacts upon agricultural
- 4 production; and
- 5 *Whereas*, the number of stress days do impact upon
- 6 agricultural production of corn and soybeans; and

7 *Whereas*, the availability of transportation facilities
8 impact upon the cost of moving corn and soybeans to
9 market thereby affecting the market price of corn and
10 soybeans; and

11 *Whereas*, these factors are not included in the
12 productivity formula for valuing agricultural property;
13 *Now Therefore*,

14 *Be It Resolved by the Senate, the House Concurring*,
15 That the department of revenue shall conduct a study
16 of the stress days and grain price differentials for
17 use in determining agricultural productivity for
18 purposes of valuing agricultural land and implementation
19 of the study results by the department in the equaliza-
20 tion order to be issued by the department of revenue
21 for the January 1, 1983 valuations.

Read first time and placed on the Ways and Means Calendar.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senate File 2307

On motion of Senator Hultman, Senate File 2307, a bill for an act appropriating funds for capital expenditures to the state conservation commission, was taken up for consideration.

Senator Hultman asked and received unanimous consent that House File 2494 be substituted for Senate File 2307.

House File 2494

On motion of Senator Hultman, House File 2494, a bill for an act appropriating funds to the state conservation commission for capital expenditures and land acquisition, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on House File 2494 be deferred.

Senate Joint Resolution 2004

On motion of Senator Hultman, Senate Joint Resolution 2004, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation, was taken up for consideration.

Senator Hultman asked and received unanimous consent that **House Joint Resolution 2003** be substituted for **Senate Joint Resolution 2004**.

House Joint Resolution 2003

On motion of Senator Hultman, House Joint Resolution 2003, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation, was taken up for consideration.

Senator Hultman asked and received unanimous consent that further action on **House Joint Resolution 2003** be deferred.

MOTION TO RECONSIDER WITHDRAWN**House File 2090**

Senator Anderson withdrew the motion to reconsider House File 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course, filed by him on April 15, 1982, and found on page 1246 of the Senate Journal.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED****House File 2369**

Senator Kudart called up for consideration House File 2369, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, amended by the Senate, further amended by the House in House amendment S—5732 to Senate amendment H—5884 filed April 22, 1982.

Senator Junkins asked and received unanimous consent that further action on **House File 2369** and House amendment S—5732 be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 2300

Senator Holden called up for consideration Senate File 2300, a bill for an act relating to the regulation of financial institutions, amended by the House in House amendment S—5731 filed April 22, 1982.

Senator Lura took the chair at 9:40 a.m.

Senator Holden offered amendment S—5753 filed by Senators Holden, et al., on April 22, 1982, to pages 2 through 4 of House amendment S—5731.

Senator Kinley asked and received unanimous consent that further action on **Senate File 2300**, House amendment S—5731 and amendment S—5753 to House amendment S—5731 be deferred.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that on April 20, 1982, Speaker Stromer replaced the Representative from Johnson, Mrs. Lloyd-Jones with the Representative from Dallas, Mr. Davitt on the **Conference Committee to Senate File 2218**, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

ALSO: That on April 22, 1982, Speaker Stromer replaced the Representative from Dubuque, Mr. Welsh with the Representative from Story, Mr. Rosenberg, on the **Conference Committee to House File 2460**, a bill for an act to amend the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel.

BUSINESS PENDING

House File 2369

The Senate resumed consideration of House File 2369 and House amendment S—5732, previously deferred.

Senator Kudart moved that the Senate concur in House amendment S—5732.

The motion lost and the Senate **refused to concur** in the House amendment.

Senator Hultman asked and received unanimous consent that **House File 2369 be immediately messaged** to the House.

House File 2334

Senator Drake called up for consideration House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5733 to Senate amendment H—5820 filed April 22, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2334) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Drake
Dreeszen	Gallagher	Gentleman	Goodwin

Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 5:

DeKoster	Doyle	Kudart	Rush
Small			

Absent or not voting, 1:

Slater

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

SENATE INSISTS

Senate File 2245

Senator Gentleman called up for consideration Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, amended by the House, further amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted on** its amendment.

Senator Hultman asked and received unanimous consent that **Senate File 2245 be immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2339

Senator Kudart called up for consideration House File 2339, a bill for an act to prohibit bail following conviction of a forcible felony, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5734 to Senate amendment H—5882 filed April 22, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2339) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

DeKoster

Absent or not voting, 2:

Ramsey Small

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

BUSINESS PENDING

Senate File 2300

The Senate resumed consideration of Senate File 2300, House amendment S—5731 and amendment S—5753 to House amendment S—5731, previously deferred.

President Branstad took the chair at 10:45 a.m.

Senator Holden moved the adoption of amendment S—5753 to House amendment S—5731.

A record roll call was requested.

On the question “Shall amendment S—5753 to House amendment S—5731 be adopted?” (S.F. 2300) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Baughner	Bisenius	Brown	Carney
Coleman	Comito	DeKoster	Doyle
Dreeszen	Gentleman	Holden	Husak
Kinley	Kudart	Palmer	Readinger
Rush	Slater	Small	Wells

Nays, 28:

Anderson	Briles	Carr	Craft
Deluhery	Drake	Gallagher	Goodwin
Gratias	Hester	Hulse	Hutchins
Jensen	Junkins	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Rodgers	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Voting present, 1:

Hultman

Absent or not voting, 1:

Ramsey

Amendment S—5753 lost.

Senator Holden asked and received unanimous consent to withdraw amendment S—5766 filed by Senators Holden and Kinley from the floor to House amendment S—5731.

Senator Lura took the chair at 10:55 a.m.

Senator Holden moved that the Senate concur in House amendment S—5731.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2300) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Comito

Voting present, 1:

Hultman

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

SPECIAL GUEST

Senator Vande Hoef appeared in the well of the Senate and presented Cara Lyn Klein, 17, of Spirit Lake, Miss Teenworld. Cara, who was accompanied by her parents, Mr. and Mrs. Al Klein and sister, Tricia, was crowned Miss Teenworld during the New Year's Eve National Teenworld Pageant in Atlanta, Georgia, on December 31, 1981.

Cara, a senior at Spirit Lake High School, plans to attend Iowa State University, majoring in fashion business.

Cara thanked the Senate for inviting her and said visiting the legislature was one of the biggest honors she has had since becoming Miss Teenworld.

HOUSE AMENDMENT CONSIDERED
(Deferred April 21, 1982)

Senate File 2091

The Senate resumed consideration of Senate File 2091, a bill for an act to increase the rate of the excise tax on gasohol, House amendment S—5663 and amendments S—5693 and S—5702 to House amendment S—5663, deferred on April 21, 1982.

Senator Vande Hoef moved the adoption of amendment S—5702 to pages 1 and 2 of House amendment S—5663 and to the title.

A record roll call was requested.

On the question "Shall amendment S—5702 to House amendment S—5663 be adopted?" (S.F. 2091) the vote was:

Ayes, 13:

Coleman	Doyle	Dreeszen	Gallagher
Husak	Hutchins	Miller, A.V.	Priebe
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells			

Nays, 33:

Anderson	Baugher	Bisenius	Briles
Carney	Carr	Comito	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Jensen	Junkins	Kinley	Kudart
Lura	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Tieden			

Absent or not voting, 4:

Brown	Craft	Holden	Yenger
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Amendment S—5702 lost.

President Branstad took the chair at 11:15 a.m.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 133

By: Committee on Ways and Means

1 *Whereas*, property taxes are collected by each county
 2 treasurer for the political subdivisions in the county;
 3 and
 4 *Whereas*, the present law provides different dates
 5 for apportioning tax receipts to the respective
 6 political subdivisions of the state; and
 7 *Whereas*, political subdivisions should receive their
 8 apportioned tax receipts in a timely manner and on a
 9 uniform schedule to allow a political subdivision to do
 10 its financial planning; *Now Therefore*,
 11 *Be It Resolved by the Senate, the House Concurring*,
 12 That the legislative council is requested to appoint
 13 an interim study committee consisting of members of the
 14 Senate and House standing committees on county government
 15 and the Senate and House standing committees on ways and
 16 means to study the current law and develop a uniform
 17 schedule for the apportionment of tax receipts collected
 18 by the county treasurer and treasurer of state to the
 19 respective political subdivision on a uniform schedule; and
 20 *Be It Further Resolved*, That the study committee shall
 21 report its findings and recommendations, including legis-
 22 lative bill drafts necessary to implement its recommenda-
 23 tions, to the legislative council and the general assembly
 24 meeting in 1983.

Read first time and placed on Ways and Means Calendar.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on Senate File 2245 on the part of the Senate: Senators Gentleman, Chairperson; Yenger, Vande Hoef, Miller of Cerro Gordo and Miller of Des Moines.

BUSINESS PENDING

Senate File 2091

The Senate resumed consideration of Senate File 2091.

Senator Jensen took the chair at 11:22 a.m.

Senator Holden offered amendment S—5692 filed by him on April 20, 1982, to pages 1 and 2 of House amendment S—5663 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5692 to House amendment S—5663 be adopted?” (S.F. 2091) the vote was:

Ayes, 10:

DeKoster	Deluhery	Gentleman	Holden
Hulse	Kinley	Murray	Palmer
Readinger	Rush		

Nays, 35:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Doyle	Drake	Dreeszen
Goodwin	Gratias	Hester	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Priebe	Ramsey	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Waldstein	Wells	

Absent or not voting, 5:

Craft	Gallagher	Rodgers	Van Gilst
Yenger			

Amendment S—5692 lost.

Senator Holden withdrew amendment S—5676 filed by him on April 20, 1982, to page 2 of House amendment S—5663.

Senator Priebe moved the adoption of amendment S—5693 to pages 1 and 2 of House amendment S—5663, deferred on April 21, 1982, and requested a record roll call.

On the question “Shall amendment S—5693 to House amendment S—5663 be adopted?” (S.F. 2091) the vote was:

Ayes, 15:

Brown	Coleman	Doyle	Dreeszen
Husak	Hutchins	Junkins	Miller, A.V.

Miller, C.P.	Priebe	Slater	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, 30:

Anderson	Baughner	Bisenius	Briles
Carney	Carr	Comito	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Kinley	Kudart
Lura	Murray	Nystrom	Palmer
Readinger	Rodgers	Rush	Schwengels
Taylor	Tieden		

Absent or not voting, 5:

Craft	Gallagher	Ramsey	Small
Yenger			

Amendment S—5693 lost.

Senator Drake moved that the Senate concur in House amendment S—5663 and requested a record roll call.

On the question "Shall the motion to concur be adopted?" (S.F. 2091) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 40:

Anderson	Baughner	Bisenius	Briles
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Murray	Nystrom
Palmer	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Waldstein	Wells

Nays, 7:

Brown	Husak	Lura	Miller, C.P.
Priebe	Ramsey	Van Gilst	

Absent or not voting, 3:

Craft	Gallagher	Yenger
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The motion prevailed and the Senate concurred in the House amendment.

Senator Drake moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2091) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 39:

Anderson	Baughner	Bisenius	Briles
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Miller, A.V.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Waldstein	

Nays, 8:

Brown	Husak	Junkins	Lura
Miller, C.P.	Priebe	Van Gilst	Wells

Absent or not voting, 3:

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

President Branstad took the chair at 11:50 a.m.

BILLS REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that the following bills be returned from the Unfinished Business Calendar to committee:

H.C.R.	106	State Government
H.F.	764	Cities
H.F.	792	State Government
H.F.	744	Judiciary
H.F.	738	Natural Resources
S. F.	2295	Ways and Means
H.C.R.	118	Human Resources
S. F.	2239	Ways and Means

SPECIAL PRESENTATIONS

The Senate Pages appeared in the well of the Senate and President Branstad and Parliamentarian Kim Schmett presented each Page with a Certificate of Excellence from the Senate in appreciation for his or her services during the 1982 Session of the Sixty-ninth General Assembly.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:55 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Branstad presiding.

QUORUM CALL

Senator Carney requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2305

Senator Hester called up for consideration Senate File 2305, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date, amended

by the House, and moved that the Senate concur in House amendment S—5761 filed April 23, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2305) the vote was:

Ayes, 43:

Anderson	Baughner	Carney	Carr
Coleman	Comito	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, none.

Absent or not voting, 7:

Bisenius	Briles	Brown	Craft
Husak	Tieden	Yenger	

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 2426

Senator Gentleman called up for consideration, House File 2426, a bill for an act relating to the procedures for involuntary commitment or treatment of substance abusers, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5762 to Senate amendment H—5925 filed April 23, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Gentleman 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2426) the vote was:

Ayes, 43:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Vande Hoef	Van Gilst	Wells	

Nays, none.

Absent or not voting, 7:

Bisenius	Craft	Husak	Nystrom
Tieden	Waldstein	Yenger	

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

CONSIDERATION OF RESOLUTION (Appropriations Calendar)

Senate Concurrent Resolution 128

On motion of Senator Carney, Senate Concurrent Resolution 128, a resolution authorizing additional bonding by the state board of regents, filed April 20, 1982, and found on pages 1328-1331 of the Senate Journal, was taken up for consideration.

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

The Senate resumed session, President Branstad presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House, on April 23, 1982, insisted on its amendment to House File 2369, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, and that the members of the Conference Committee on the part of the House are: The Representative from Sioux, Mr. Ritsema, Chair; the Representative from Cerro Gordo, Mrs. Clark; the Representative from Louisa, Mr. Corey; the Representative from Dubuque, Mr. Welsh; and the Representative from Appanoose, Mr. Jay.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on House File 2369 on the part of the Senate: Senators Kudart, Chairperson; Lura, DeKoster, Small and Carr.

BILLS ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bills to committee:

H.F.	2481	Labor and Industrial Relations
H.F.	2488	Ways and Means
H.F.	2491	Appropriations
H.F.	2493	Appropriations

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent to immediately message to the House that the Senate concurred in the House amendment and passed Senate File 2091.

BUSINESS PENDING

Senate Concurrent Resolution 128

The Senate resumed consideration of Senate Concurrent Resolution 128.

Senator Nystrom asked and received unanimous consent to withdraw amendment S—5736 filed by Senators Nystrom and Van Gilst on April 22, 1982, to pages 4 and 5 of the bill.

Senator Nystrom offered amendment S—5748 filed by Senators Nystrom and Van Gilst on April 22, 1982, to pages 4 and 5 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5748 be adopted?” (S.C.R. 128) the vote was:

Ayes, 34:

Anderson	Baughner	Briles	Brown
Carr	Coleman	Craft	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Schwengels	Slater	Vande Hoef	Van Gilst
Wells	Yenger		

Nays, 12:

Bisenius	Carney	DeKoster	Gallagher
Goodwin	Holden	Jensen	Kudart
Rush	Small	Taylor	Waldstein

Absent or not voting, 4:

Comito	Lura	Ramsey	Tieden
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Amendment S—5748 was adopted.

With the adoption of amendment S—5748, the Chair ruled the following amendments out of order:

S—5710 filed by Senators Nystrom and Van Gilst on April 21, 1982, to page 5 of the bill.

S—5747 filed by Senator Anderson on April 22, 1982, to pages 4 and 5 of the bill.

S—5770 filed by Senators Priebe and Coleman from the floor to pages 4 and 5 of the bill.

Senator Bisenius offered amendment S—5751 filed by him on April 22, 1982, to page 5 of the bill.

Senator Carney raised the point of order that amendment S—5751 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5751 in order.

Senator Coleman asked unanimous consent that further action on amendment S—5751 be deferred.

Senator Coleman withdrew his request.

Senator Brown took the chair at 3:00 p.m.

Senator Bisenius moved the adoption of amendment S—5751.

A record roll call was requested.

On the question “Shall amendment S—5751 be adopted?” (S.C.R. 128) the vote was:

Ayes, 11:

Baughner	Bisenius	Coleman	Dreeszen
Gallagher	Lura	Priebe	Ramsey
Taylor	Vande Hoef	Waldstein	

Nays, 36:

Anderson	Brown	Carney	Carr
Craft	DeKoster	Deluhery	Doyle
Drake	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Tieden	Van Gilst	Wells	Yenger

Absent or not voting, 3:

Briles	Comito	Holden
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Amendment S—5751 lost.

Senator Coleman asked and received unanimous consent that further action on **Senate Concurrent Resolution 128** be deferred.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2477.

House File 2477

On motion of Senator Carney, House File 2477, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expended, with report of committee recommending passage, was taken up for consideration.

Senator Rush offered amendment S—5744 filed by him on April 22, 1982, to page 4 of the bill.

Senator Rush asked and received unanimous consent that action on amendment S—5744 be deferred.

Senator Yenger offered amendment S—5713 filed by her on April 21, 1982, to page 8 of the bill and moved its adoption.

Amendment S—5713 was adopted by a voice vote.

Senator Hutchins offered amendment S—5777 filed by Senators Junkins, Hutchins and Deluhery from the floor to page 14 of the bill and moved its adoption.

Amendment S—5777 was adopted by a voice vote.

Senator Rush offered amendment S—5778 filed by Senators Rush and Waldstein from the floor to page 4 of the bill and moved its adoption.

Amendment S—5778 was adopted by a voice vote.

With the adoption of amendment S—5778, the Chair ruled amendment S—5744 by Senator Rush to page 4 of the bill, previously deferred, out of order.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2477) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Cornito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Holden

Absent or not voting, 1:

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 that **House File 2477** be immediately messaged to the House.

House File 2482

On motion of Senator Tieden, House File 2482, a bill for an act to appropriate federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication, with report of committee recommending passage, was taken up for consideration.

Senator Murray asked and received unanimous consent that further action on **House File 2482** be deferred.

BUSINESS PENDING

House Joint Resolution 2003

The Senate resumed consideration of House Joint Resolution 2003, a joint resolution relating to the bequest of Glenn Grover

Herrick to the state of Iowa and making an appropriation, previously deferred.

Senator Anderson offered amendment S—5767 filed by Senators Anderson and Bisenius from the floor to pages 1 and 2 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 6, nays 36.

Amendment S—5767 lost.

Senator Murray offered amendment S—5775 filed by Senators Murray and Van Gilst from the floor to page 1 of the resolution and moved its adoption.

Amendment S—5775 was adopted by a voice vote.

Senator Gallagher offered amendment S—5771 filed by him from the floor to page 2 of the resolution and moved its adoption.

Amendment S—5771 was adopted by a voice vote.

Senator Schwengels moved that the resolution be read the last time now, which motion prevailed by a voice vote, and the resolution was read the last time.

On the question “Shall the resolution be adopted?” (H.J.R. 2003) the vote was:

Ayes, 48:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Bisenius

Absent or not voting, 1:

Nystrom

The resolution having received a constitutional majority was declared to have been adopted by the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent that **House Joint Resolution 2003** be immediately messaged to the House.

WITHDRAWN

Senator Schwengels asked and received unanimous consent that **Senate Joint Resolution 2004** be withdrawn from further consideration of the Senate.

BUSINESS PENDING

House File 2482

The Senate resumed consideration of House File 2482, previously deferred.

Senator Murray offered amendment S—5763 filed by him from the floor to pages 1 and 2 of the bill.

Senator Priebe offered amendment S—5780 filed by Senators Priebe, et al., from the floor to amendment S—5763 and moved its adoption.

Amendment S—5780 was adopted by a voice vote.

Senator Murray moved the adoption of amendment S—5763 as amended, which motion prevailed by a voice vote.

Senator Priebe offered amendment S—5781 filed by Senators Priebe, et al., from the floor to page 1 of the bill and moved its adoption.

Amendment S—5781 was adopted by a voice vote.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2482) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hulse	Husak	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Tieden
Vande Hoef	Waldstein	Wells	Yenger

Nays, 1:

Holden

Absent or not voting, 5:

Hultman	Hutchins	Nystrom	Taylor
Van Gilst			

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

Senator Carney asked and received unanimous consent that House File 2482 be immediately messaged to the House.

BUSINESS PENDING

House File 2494

The Senate resumed consideration of House File 2494, a bill for an act appropriating funds to the state conservation commission for capital expenditures and land acquisition, previously deferred.

Senator Bisenius offered amendment S—5779 filed by him from the floor to page 1 and to the title page of the bill.

Senator Tieden 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 Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2494) the vote was:

Ayes, 42:

Anderson	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Husak	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, 2:

Bisenius	Holden
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Absent or not voting, 6:

Baughner	Comito	Drake	Hutchins
Taylor	Van Gilst		

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

WITHDRAWN

Senator Tieden asked and received unanimous consent that Senate File 2307 be withdrawn from further consideration of the Senate.

BUSINESS PENDING

Senate Concurrent Resolution 128

The Senate resumed consideration of Senate Concurrent Resolution 128, previously deferred.

Senator Husak took the chair at 5:08 p.m.

Senator Anderson offered amendment S—5783 filed by him from the floor to pages 4 and 5 of the resolution and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5783 be adopted?” (S.C.R. 128) the vote was:

Ayes, 19:

Anderson	Baughner	Briles	Brown
Carr	Coleman	Deluhery	Doyle
Gratias	Husak	Jensen	Junkins
Miller, A.V.	Miller, C.P.	Palmer	Rodgers
Rush	Slater	Wells	

Nays, 27:

Bisenius	Carney	Comito	Craft
DeKoster	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Hester	Holden
Hulse	Hultman	Kinley	Kudart
Lura	Murray	Priebe	Ramsey
Readinger	Schwengels	Small	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 4:

Hutchins	Nystrom	Taylor	Van Gilst
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Amendment S—5783 lost.

Senator Brown offered amendment S—5784 filed by Senators Brown, et al., from the floor to pages 4 and 5 of the resolution, moved its adoption and requested a record roll call.

On the question “Shall amendment S—5784 be adopted?” (S.C.R. 128) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Anderson	Briles	Brown	Carr
Coleman	Doyle	Dreeszen	Gallagher
Gratias	Hester	Hulse	Husak
Hutchins	Junkins	Miller, A.V.	Miller, C.P.

Palmer	Priebe	Rodgers	Slater
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells			

Nays, 24:

Baughner	Bisenius	Carney	Comito
Craft	DeKoster	Deluhery	Drake
Gentleman	Goodwin	Holden	Hultman
Jensen	Kinley	Kudart	Lura
Murray	Ramsey	Readinger	Rush
Schwengels	Small	Tieden	Yenger

Absent or not voting, 1:

Nystrom

Amendment S—5784 was adopted.

Senator Priebe offered amendment S—5786 filed by Senators Priebe and Kinley from the floor to page 5 of the resolution, moved its adoption and requested a record roll call.

On the question “Shall amendment S—5786 be adopted?” (S.C.R. 128) the vote was:

Ayes, 13:

Baughner	Bisenius	Coleman	Comito
Jensen	Kinley	Lura	Miller, A.V.
Priebe	Ramsey	Rodgers	Vande Hoef
Waldstein			

Nays, 34:

Anderson	Brown	Carney	Carr
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Junkins	Kudart	Miller, C.P.	Murray
Palmer	Readinger	Rush	Schwengels
Slater	Small	Taylor	Tieden
Wells	Yenger		

Absent or not voting, 3:

Briles	Nystrom	Van Gilst
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Amendment S—5786 lost.

Senator Comito filed the following motion to reconsider from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5783 to Senate Concurrent Resolution 128 failed to be adopted by the Senate on April 23, 1982.

Senator Comito asked and received unanimous consent that action on the motion to reconsider be deferred.

Senator Dreeszen filed the following motion to reconsider from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5784 to Senate Concurrent Resolution 128 was adopted by the Senate on April 23, 1982.

QUORUM CALL

Senator Brown requested a non record roll call to determine that a quorum was present.

The vote revealed 50 present, none absent and a quorum present.

BUSINESS PENDING

Senate Concurrent Resolution 128

The Senate resumed consideration of Senate Concurrent Resolution 128.

Senator Dreeszen moved the adoption of the motion to reconsider amendment S—5784.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.C.R. 128) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Baughner
Comito
Drake

Bisenius
Craft
Dreeszen

Carney
DeKoster
Gallagher

Carr
Deluhery
Gentleman

Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Kudart	Lura
Murray	Nystrom	Ramsey	Readinger
Schwengels	Small	Taylor	Vande Hoef
Yenger			

Nays, 21:

Anderson	Briles	Brown	Coleman
Doyle	Husak	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Rush
Slater	Tieden	Van Gilst	Waldstein
Wells			

The motion prevailed and amendment S—5784 was taken up for reconsideration.

Senator Brown moved the adoption of amendment S—5784 to pages 4 and 5 of the resolution.

Amendment S—5784 lost by a voice vote.

The Senate resumed consideration of the motion to reconsider amendment S—5783 by Senator Comito, previously deferred.

Senator Comito asked unanimous consent to withdraw the motion to reconsider.

Objection was raised by Senator Junkins.

Senator Junkins withdrew his objection and the motion to reconsider was withdrawn.

President Branstad took the chair at 6:33 p.m.

Senator Murray moved the adoption of the resolution.

A record roll call was taken.

On the question "Shall the resolution be adopted?" (S.C.R. 128) the vote was:

Ayes, 31:

Anderson	Briles	Brown	Craft
DeKoster	Deluhery	Doyle	Drake
Gentleman	Goodwin	Gratias	Hulse

Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Miller, C.P.	Murray
Nystrom	Palmer	Readinger	Rush
Schwengels	Slater	Small	Tieden
Van Gilst	Wells	Yenger	

Nays, 18:

Baughner	Bisenius	Carney	Carr
Coleman	Comito	Dreeszen	Gallagher
Hester	Holden	Kinley	Lura
Miller, A.V.	Priebe	Rodgers	Taylor
Vande Hoef	Waldstein		

Absent or not voting, 1:

Ramsey

The resolution having received a constitutional majority was declared to have been adopted by the Senate.

Senator Hultman asked and received unanimous consent that **Senate Concurrent Resolution 128** be immediately messaged to the House.,

HOUSE AMENDMENT CONSIDERED

Senate File 268

Senator Doyle called up for consideration Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services, amended by the House in House amendment S—5566 filed April 13, 1982.

Senator Doyle withdrew amendment S—5703 filed by him on April 20, 1982, to House amendment S—5566.

Senator Doyle offered amendment S—5739 filed by him on April 22, 1982, to House amendment S—5566 and moved its adoption.

Amendment S—5739 was adopted by a voice vote.

With the adoption of amendment S—5739, the Chair ruled the following amendments to House amendment S—5566 out of order:

S—5652 filed by Senator DeKoster on April 19, 1982.

S—5656 filed by Senator Doyle on April 19, 1982.

S—5657 filed by Senator Doyle on April 19, 1982.

S—5658 filed by Senator Doyle on April 19, 1982.

S—5659 filed by Senator Doyle on April 19, 1982.

S—5665 filed by Senator Doyle on April 20, 1982.

S—5666 filed by Senator Doyle on April 20, 1982.

S—5667 filed by Senator Doyle on April 20, 1982.

S—5668 filed by Senator Doyle on April 20, 1982.

S—5689 filed by Senator Doyle on April 20, 1982.

S—5690 filed by Senator Doyle on April 20, 1982.

S—5691 filed by Senator Doyle on April 20, 1982.

S—5697 filed by Senator Doyle on April 20, 1982.

S—5698 filed by Senator Doyle on April 20, 1982.

S—5699 filed by Senator Doyle on April 20, 1982.

S—5700 filed by Senator Doyle on April 20, 1982.

S—5701 filed by Senator DeKoster on April 20, 1982.

S—5704 filed by Senator Doyle on April 20, 1982.

S—5705 filed by Senator Doyle on April 20, 1982.

S—5712 filed by Senator DeKoster on April 21, 1982.

Senator Doyle moved that the Senate concur in House amendment S—5566 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Doyle 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 268) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senator Hultman asked and received unanimous consent that **Senate File 268** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the **conference committee** appointed on April 23, 1982, on **Senate File 2245**, a bill for an act extending the operation of the department of substance abuse and striking the exemption of a program receiving state dollars from inspections by the department, on the part of the House are: The Representative from Ringgold, Mr. Gross, Chair; the Representative from Taylor, Mr. Daggett; the Representative from Lyon, Mr. DeGroot; the Representative from Boone, Mrs. Lonergan; and the Representative from Poweshiek, Ms. Carl.

INTRODUCTION OF RESOLUTIONS

SENATE CONCURRENT RESOLUTION 134

By: Rush and Wells

- 1 *Whereas*, franchise cable television systems have
- 2 been suffering loss through unauthorized connections

3 whether physical, electrical or inductive, and through
4 attachment of unauthorized devices to the cable or
5 to a television set for the purpose of intercepting
6 signals transmitted by the franchise cable television
7 system; and

8 *Whereas*, devices, kits for devices, and instructions
9 for devices to aid in this theft of services are being
10 offered for sale; and

11 *Whereas*, this loss to individual cable television
12 systems may amount to hundreds of thousand of dollars
13 each year; and

14 *Whereas*, this theft of services is not specifically
15 covered in the present code; *Now Therefore*,

16 *Be It Resolved by the Senate, the House Concurring*,
17 That the legislative council is urged to create a
18 joint subcommittee of the senate and house committees
19 on judiciary and law enforcement to study the issues
20 and problems of this theft of services and the sale
21 of materials to aid this theft of services; and

22 *Be It Further Resolved*, That the joint subcommittee
23 submit a report to the legislative council and to
24 the general assembly at the conclusion of the interim,
25 accompanied by bill drafts designed to carry out any
26 recommendations of the joint subcommittee.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 135

By: Priebe

1 *Whereas*, the cost of utility services and fuel and
2 electric rates are of concern to persons representing
3 themselves as well as commerical entities; and

4 *Whereas*, various fuel adjustments as well as other
5 adjustments as indicated on utility billings increase
6 the confusion that is already present in the mind of
7 the average consumer, who has already been subjected
8 to ever increasing rates; and

9 *Whereas*, the reasons and justification for increased
10 utility billings and adjustments are not clear to an
11 ever increasing number of Iowans; *Now Therefore*,

12 *Be It Resolved by the Senate, the House Concurring*,
13 That the legislative council is requested to create a
14 study committee consisting of members of the Committees
15 on Commerce representing the two houses of the General
16 Assembly and both political parties for the purpose of
17 studying the reasons for justifications for increasing
18 utility rates and the manner in which the consumer is
19 informed through billings and other methods of the

20 reasons and justifications for increased utility rates;
21 and
22 *Be It Further Resolved*, That the study committee shall
23 make a report to the legislative council and the General
24 Assembly meeting in the year 1983 containing its findings
25 and recommendations which report shall be accompanied by
26 bill drafts designed to carry out the recommendations of
27 the study committee.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 136

By: Committee on Ways and Means

1 *Whereas*, the state of Iowa and its political subdivi-
2 sions face the continuing need to maintain or increase
3 expenditures in order to provide for their operations and
4 for needed services but are having difficulties in rais-
5 ing enough revenues from present sources to fulfill that
6 need; *Now Therefore*,
7 *Be It Resolved by the Senate, the House Concurring*,
8 That the legislative council is directed to create a study
9 committee which shall include members of the standing
10 committees on ways and means of the senate and house of
11 representatives representing both political parties and
12 which may include nonlegislators as members, which
13 committee shall conduct during the 1982 legislative interim
14 a review of the tax structure of the state of Iowa and its
15 political subdivisions and a comprehensive study of
16 alternative revenue sources to the present tax structure
17 of the state and its political subdivisions.
18 The study committee may employ consultants with the
19 approval of the legislative council, to assist it in
20 carrying out its duties and may request the assistance
21 of any state agency to obtain such data and other informa-
22 tion which the committee deems necessary to carry out its
23 duties. The study committee shall present its final
24 report and recommendations to the members of the General
25 Assembly by the end of January, 1983.

Read first time and placed on the Ways and Means Calendar.

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 23rd day of April, 1982:

Senate Files 312, 396, 539, 558, 2046, 2100, 2186, 2192, 2195 and 2202.

K. MARIE THAYER
Secretary of the Senate

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. C.R. 131 Rules and Administration

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2304, the following technical corrections were made:

1. Page 19, line 6, "section 45b" was changed to "section 48".
2. Page 19, line 12 "section 45a" was changed to "section 47".
3. Page 38, line 19 was corrected to indicate that the paragraph is subsection 1.
4. Page 53, line 28 "section 103" was changed to "section 110".
5. Page 53, line 35, "section 103" was changed to "section 110".
6. Page 57, line 16, "sections 84 and 91" were changed to "sections 89 and 100".
7. Page 57, line 17, "section 86A" was changed to "section 94".

K. MARIE THAYER
Secretary of the Senate

COMMUNICATION

The following communication was received and placed on file in the office of the Lieutenant Governor:

IOWA BEER AND LIQUOR CONTROL DEPARTMENT

A copy of the Annual Report of the Iowa Beer and Liquor Control Department for the fiscal year ending June 30, 1981 pursuant to Sec. 123.55, Code 1981.

**FURTHER
REPORTS OF COMMITTEE MEETINGS**

WAYS AND MEANS*

*A previous report of this meeting was recorded on page 1376 of the Senate Journal.

Final Bill Action: SENATE CONCURRENT RESOLUTION 132, a resolution providing that the department of revenue conduct a study of the stress days and grain price differentials for use in determining agricultural productivity.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Lura and Priebe. Nays, none. Absent or not voting, 6: Junkins, Palmer, Rush, Taylor, Van Gilst and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

WAYS AND MEANS*

*A previous report of this meeting was recorded on page 1346 of the Senate Journal.

Final Bill Action: SENATE CONCURRENT RESOLUTION 133, a resolution to develop a uniform schedule for the apportionment of tax receipts.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Hester, Holden, Junkins, Lura, Priebe, Rush, Taylor and Van Gilst. Nays, 1: Ramsey. Absent or not voting, 3: Hultman, Husak and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

WAYS AND MEANS*

*A previous report of this meeting was recorded on page 1346 of the Senate Journal.

Final Bill Action: SENATE CONCURRENT RESOLUTION 136, a resolution for a study of an overall review of the tax structure of Iowa and alternative revenue sources.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Craft, Rodgers, Hester, Holden, Husak, Lura, Rush, Taylor and Van Gilst. Nays, 1, Priebe. Absent or not voting, 5: Readinger, Hultman, Junkins, Palmer and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: April 23, 1982, 1:30 p.m.

Members Present: Holden, Chair; Deluhery, Ranking Member; DeKoster, Jensen, Priebe and Rush.

Members Absent: Baugher, Vice Chair; Comito, Craft and Husak.

Final Bill Action: HOUSE FILE 2490, a bill for an act relating to funds deposited by public entities in banks or bank offices.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Holden, Deluhery, DeKoster, Jensen, Priebe and Rush. Nays, none. Absent or not voting, 4: Baugher, Comito, Craft and Husak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 1:35 p.m.

JUDICIARY

Convened: April 23, 1982, 11:50 a.m.

Members Present: DeKoster, Chair; Kudart, Vice Chair; Rush, Ranking Member; Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Murray, Ramsey, Small and Taylor.

Members Absent: none.

Final Bill Action: SENATE FILE 2308, a bill for an act authorizing two or more counties to establish a joint indigent defense fund.

Recommendation: DO PASS.

Final Vote: Ayes, 13, DeKoster, Kudart, Rush, Baugher, Carr, Coleman, Deluhery, Doyle, Dreeszen, Lura, Ramsey, Small and Taylor. Nays, none. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2489, a bill for an act to legalize the proceedings of the Estherville community school board relating to the sale of land.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Ramsey and Taylor. Nays, 5: DeKoster, Kudart, Deluhery, Rush and Small. Absent or not voting, 1: Murray.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:15 p.m.

PRESENTATION OF VISITORS

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

Fifty students from Paton Elementary School, Paton, Iowa, accompanied by Jean Gliem and Jean Davis. Senators Dreeszen and Nystrom.

Seventy-five students from St. Edwards School, Waterloo, Iowa, accompanied by Don Sullivan and Duane Wince. Senators Comito and Anderson.

Fifteen students from Community Christian School, Fort Dodge, Iowa, accompanied by Mrs. Betty Gustafson. Senator Coleman.

Fifty students from Margaretta Carey, Waverly, Iowa, accompanied by Mrs. Borglum and Mrs. Young. Senator Jensen.

Eleven students from the Hartford-Carlisle School District, Carlisle, Iowa, accompanied by Gary Sinclair. Senator Brown.

AMENDMENTS FILED

S-5761	S. F.	2305	House Amendment
S-5762	H. F.	2426	House Amendment
S-5763	H. F.	2482	John S. Murray
S-5764	H. F.	2483	Bob Carr C. Joseph Coleman Charles P. Miller Bob Rush
S-5765	H. F.	2488	Gary L. Baugher
S-5766	S. F.	2300	Edgar H. Holden George R. Kinley

S—5767	H.J. R.	2003	Ted Anderson Stephen W. Bisenius
S—5768	S. F.	2306	Jack W. Hester Bob Rush
S—5769	H.F.	2493	John S. Murray
S—5770	S. C.R.	128	Berl E. Priebe C. Joseph Coleman
S—5771	H.J. R.	2003	James V. Gallagher
S—5772	S. F.	2311	Berl E. Priebe Emil J. Husak Alvin V. Miller Norman Rodgers C.W. Bill Hutchins Donald V. Doyle
S—5773	S. F.	2234	C.W. Bill Hutchins
S—5774	H.F.	2488	C.W. Bill Hutchins
S—5775	H.J. R.	2003	John S. Murray Bass Van Gilst
S—5776	S. F.	2311	Norman Rodgers C. Joseph Coleman Berl E. Priebe
S—5777	H.F.	2477	Lowell L. Junkins C.W. Bill Hutchins Patrick J. Deluhery
S—5778	H.F.	2477	Bob Rush Arne Waldstein
S—5779	H.F.	2494	Stephen W. Bisenius
S—5780	H.F.	2482	Berl E. Priebe James V. Gallagher Dale L. Tieden John S. Murray
S—5781	H.F.	2482	Berl E. Priebe John S. Murray Dale L. Tieden James V. Gallagher
S—5782	H.F.	2491	Richard Vande Hoef
S—5783	S. C.R.	128	Ted Anderson
S—5784	S. C.R.	128	Joe Brown Norman Rodgers Berl E. Priebe C. Joseph Coleman

S—5785	S. F.	2234	Dick Ramsey Lucas J. DeKoster
S—5786	S. C.R.	128	Berl E. Priebe George R. Kinley
S—5787	S. C.R.	130	Ray Taylor

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 7:18 p.m., until 9:00 a.m., Saturday, April 24, 1982.

JOURNAL OF THE SENATE

ONE HUNDRED FOURTH CALENDAR DAY
SEVENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Saturday, April 24, 1982

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Honorable Bass Van Gilst, member of the Senate from Mahaska County, Oskaloosa, Iowa.

The Journal of Friday, April 23, 1982, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 23, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 2309, a bill for an act relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive.

ALSO: That the House has on April 23, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2304, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

ALSO: That the House has on April 23, 1982, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections.

ALSO: That the House has on April 23, 1982, concurred in Senate amendment as amended, as passed the following bill in which the concurrence of the House was asked:

House File 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course.

ALSO: That the House has on April 23, 1982, passed the following bills in which the concurrence of the Senate is asked:

House File 2479, a bill for an act to disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effect upon publication retroactive to January 1, 1981.

This bill was read first time and referred to the committee on **Ways and Means**.

House File 2495, a bill for an act relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions.

This bill was read first time and referred to the committee on **Ways and Means**.

Senator Lura took the chair at 9:04 a.m.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

BILLS RETURNED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate Files 2098 and 2311** be returned from the **Ways and Means Calendar** to the committee on **Ways and Means**.

BILL REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate Concurrent Resolution 133** be referred from the **Ways and Means Calendar** to the committee on **Rules and Administration**.

MOTION TO RECONSIDER WITHDRAWN**Senate File 560**

Senator Readinger withdrew the motion to reconsider Senate File 560, a bill for an act relating to the imposition of local option income surtax, earnings tax, or vehicle tax by a city or county and providing for penalties, filed by him on January 27, 1982, and found on page 220 of the Senate Journal.

SENATE INSISTS**Senate File 268**

Senator Doyle called up for consideration Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services, 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.

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

The Senate resumed session, Senator Lura presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 268** on the part of the Senate: Senators Ramsey, Chair; Baugher, Kudart, Rush and Doyle.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 2191, a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, effective upon publication.

Senate File 2251, a bill for an act relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof.

Senate File 2288, a bill for an act relating to the prepayment of premium taxes by insurance companies.

Senate File 2292, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Senate File 2293, a bill for an act relating to the apportionment of business income for corporate income tax purposes.

Senate File 2303, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

ALSO: That the House has on April 22, 1982, failed to pass the following bill in which the concurrence of the House was asked:

Senate File 2285, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication.

ALSO: That the House has on April 22, 1982, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 2405, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules.

House File 2435, a bill for an act relating to shooting ranges.

House File 2446, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging.

ALSO: That the House has on April 22, 1982, concurred in Senate amendment to House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 2221, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties.

INTRODUCTION OF BILL

Senate File 2312, by Committee on Ways and Means, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication.

Read first time and placed on the Ways and Means Calendar.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 137

By: Committee on Rules and Administration

- 1 *Whereas*, many resolutions have been introduced in both
 2 the Senate and the House of Representatives calling for interim
 3 studies; and
 4 *Whereas*, several legislators have indicated a desire to
 5 introduce resolutions proposing additional interim studies;
 6 and
 7 *Whereas*, the time period between the 1982 session of the
 8 Sixty-ninth General Assembly and the 1983 session of the
 9 Seventieth General Assembly is limited and there have been
 10 proposals for studies which appear to have merit but, because
 11 of their complexity and number, cannot all be properly
 12 conducted during the next interim period; and
 13 *Whereas*, it is impractical to debate the relative merits
 14 of all proposals; *Now Therefore*,
 15 *Be It Resolved by the Senate, the House Concurring*, That
 16 all resolutions calling for interim studies which have not
 17 been adopted by both houses be delivered by the Secretary
 18 of the Senate, on the part of the Senate, and the Chief Clerk
 19 of the House, on the part of the House, to the Legislative
 20 Council, which shall determine priorities and shall authorize
 21 such studies as may be feasible within the limits of the
 22 staff, time and funds available; and
 23 *Be It Further Resolved*, That any legislator desiring to
 24 propose any interim study not already contained in a resolution
 25 already filed shall submit a letter to the Secretary of the
 26 Senate or the Chief Clerk of the House describing the study;
 27 and

28 *Be It Further Resolved*, That the Secretary of the Senate
 29 and Chief Clerk of the House shall deliver such letters to
 30 the Legislative Council with any resolutions already filed.
 31 The Legislative Council shall give equal consideration to
 32 all studies proposed, whether by letter or resolution.

Read first time and placed on calendar.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2310.

Senate File 2310

On motion of Senator Goodwin, Senate File 2310, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date, was taken up for consideration.

Senator Goodwin asked and received unanimous consent that House File 2486 be substituted for Senate File 2310.

House File 2486

On motion of Senator Goodwin, House File 2486, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date, was taken up for consideration.

Senator Goodwin moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2486) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart

Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senator Hultman asked and received unanimous consent that **Senate File 2310** be **withdrawn** from further consideration of the Senate.

Senator Hultman asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 136.

Senate Concurrent Resolution 136

On motion of Senator Rodgers, Senate Concurrent Resolution 136, a resolution providing for an overall review of the tax structures of Iowa and alternative revenue sources, filed April 23, 1982, and found on page 1414 of the Senate Journal, was taken up for consideration.

Senator Rodgers moved the adoption of Senate Concurrent Resolution 136, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 2306.

Senate File 2306

On motion of Senator Van Gilst, Senate File 2306, a bill for an act relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions, was taken up for consideration.

Senator Hester offered amendment S—5768 filed by Senators Hester and Rush on April 23, 1982, to page 2 of the bill and moved its adoption.

Amendment S—5768 was adopted by a voice vote.

Senator Van Gilst asked and received unanimous consent that **House File 2495** be substituted for **Senate File 2306** as amended.

House File 2495

On motion of Senator Van Gilst, House File 2495, a bill for an act relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions, was taken up for consideration.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2495) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

Senator Van Gilst asked and received unanimous consent that **Senate File 2306** be withdrawn from further consideration of the Senate.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senate Concurrent Resolution 125

On motion of Senator Taylor, Senate Concurrent Resolution 125, a resolution regarding the Commodity Credit Corporation, filed April 19, 1982, and found on pages 1260-1261 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Taylor moved the adoption of Senate Concurrent Resolution 125, which motion prevailed by a voice vote.

Senate Concurrent Resolution 130

On motion of Senator Vande Hoef, Senate Concurrent Resolution 130, a resolution opposing national legislation restricting livestock producers, filed April 22, 1982, and found on pages 1352-1353 of the Senate Journal, was taken up for consideration.

Senator Taylor offered amendment S—5787 filed by him on April 23, 1982, to page 1 of the resolution and moved its adoption.

Amendment S—5787 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that further action on **Senate Concurrent Resolution 130** as amended be deferred.

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

The Senate resumed session, Senator Lura presiding.

INTRODUCTION OF BILL

Senate File 2313, by Committee on Appropriations, a bill for an act to appropriate funds from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1982 and ending June 30, 1983 to fund a special task force on transportation to study the transportation needs of the state.

Read first time and placed on Appropriations Calendar.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 24, 1982, 8:00 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey and Taylor.

Members Absent: Rush and Van Gilst.

Final Bill Action: SENATE FILE 2312, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey and Taylor. Nays, none. Absent or not voting, 2: Rush and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Senate File 2224 failed recommendation for passage.

Adjourned: 9:00 a.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up for immediate consideration Senate File 2312.

Senate File 2312

On motion of Senator Taylor, Senate File 2312, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication, was taken up for consideration.

Senator Husak offered amendment S—5790 filed by him from the floor to page 1 of the bill.

Senator DeKoster asked and received unanimous consent that further action on **Senate File 2312** and amendment S—5790 be **deferred**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 2483.

House File 2483

On motion of Senator Gentleman, House File 2483, a bill for an act relating to the applicability of the certificate of need program, with report of committee recommending passage, was taken up for consideration.

President Branstad took the chair at 10:50 a.m.

Senator Carr offered amendment S—5764 filed by Senators Carr, et al., on April 23, 1982, to page 1 of the bill and called for a division of the amendment: lines 3 and 4 as division S—5764A; lines 5 and 6 as division S—5764B; lines 7 and 8 as division S—5764C.

Senator Carr moved the adoption of division S—5764A.

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.

Division S—5764A lost.

Senator Carr moved the adoption of division S—5764B.

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 23, nays 23.

Division S—5764B lost.

Senator Carr asked and received unanimous consent to withdrawn division S—5764C.

Senator Carney took the chair at 11:20 a.m.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2483) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Murray	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Hester	Miller, C.P.	Nystrom
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 2312

The Senate resumed consideration of Senate File 2312 and amendment S—5790, previously deferred.

Senator Husak offered amendment S—5792 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5792 was adopted by a voice vote.

With the adoption of amendment S—5792, the Chair ruled amendment S—5790 to page 1 of the bill, previously deferred, out of order.

Senator Schwengels asked and received unanimous consent that further action on **Senate File 2312** be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2489.

House File 2489

On motion of Senator Doyle, House File 2489, a bill for an act to legalize the proceedings of the Estherville community school board relating to the sale of land, with report of committee recommending passage, was taken up for consideration.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2489) the vote was:

Ayes, 44:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 5:

DeKoster	Miller, C.P.	Priebe	Rush
Small			

Absent or not voting, 1:

Baughner

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 Senate File 2308.

Senate File 2308

On motion of Senator Rush, Senate File 2308, a bill for an act authorizing two or more counties to establish a joint indigent defense fund, with report of committee recommending passage, was taken up for consideration.

Senator Rush moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2308) the vote was:

Ayes, 49:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 1:

Baughner

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 that **Senate File 2308** be immediately messaged to the House.

House File 2485

On motion of Senator Drake, House File 2485, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings, with report of committee recommending passage, was taken up for consideration.

Senator Drake asked and received unanimous consent to withdraw amendment S—5743 filed by Senators Drake and Junkins on April 22, 1982, to page 1 of the bill.

Senator Van Gilst offered amendment S—5749 filed by him on April 22, 1982, to page 1 of the bill.

President Branstad took the chair at 11:38 a.m.

Senator Drake raised the point of order that amendment S—5749 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5749 out of order.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2485) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Kudart Small Waldstein

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

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 24, 1982, 9:30 a.m.

Members Present: Murray, Chair; Tieden, Vice Chair; Palmer, Ranking Member; Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst and Yenger.

Members Absent: none.

Final Bill Action: SENATE FILE 2313 (SSB 2261), a bill for an act to appropriate funds from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1982 and ending June 10, 1983 to fund a special task force on transportation to study the transportation needs of the state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Murray, Tieden, Palmer, Anderson, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, 1: Baugher.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2476, a bill for an act relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2491, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Murray, Tieden, Palmer, Anderson, Baugher, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Waldstein, Van Gilst and Yenger. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: HOUSE FILE 2493, a bill for an act relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Murray, Tieden, Anderson, Baugher, Bisenius, Carney, Deluhery, Jensen, Ramsey, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, 1: Rush. Absent or not voting, 2: Palmer and Junkins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:50 a.m.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Jensen asked and received unanimous consent to take up for immediate consideration Senate File 2313.

Senate File 2313

On motion of Senator Jensen, Senate File 2313, a bill for an act to appropriate funds from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1982 and ending June 30, 1983 to fund a special task force on transportation to study the transportation needs of the state, was taken up for consideration.

Senator Jensen offered amendment S—5793 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5793 was adopted by a voice vote.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2313) the vote was:

Ayes, 35:

Anderson	Bisenius	Brown	Carney
Coleman	Comito	Craft	Deluhery
Doyle	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Readinger
Rodgers	Rush	Schwengels	Small
Vande Hoef	Wells	Yenger	

Nays, 11:

Baughner	Carr	DeKoster	Gallagher
Holden	Husak	Lura	Priebe
Ramsey	Slater	Taylor	

Absent or not voting, 4:

Briles	Tieden	Van Gilst	Waldstein
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent that Senate File 2313 be immediately messaged to the House.

PRESENTATION OF GIFTS

Senator Carney escorted Senator Hultman to the well of the Senate and presented him with a Seiko Quartz wall clock on behalf of the members of the Senate in recognition of his service as Majority Leader during the Sixty-ninth General Assembly.

Senator Hutchins escorted Senator Junkins to the well of the Senate and presented him with a Seiko Quartz wall clock on behalf of the members of the Senate in recognition of his service as Minority Leader during the Sixty-ninth General Assembly.

Senator Baugher escorted President pro tempore Ramsey to the well of the Senate and presented him with a Seiko Quartz wall clock on behalf of the members of the Senate in recognition of his service as President pro tempore during the Sixty-ninth General Assembly.

Senators Hultman and Junkins and President pro tempore Ramsey each thanked the Senate with brief remarks.

Senator Hultman appeared at the rostrum and presented Lieutenant Governor Branstad with a Seiko Quartz wall clock on behalf of the members of the Senate in recognition of his service as President of the Senate during the Sixty-ninth General Assembly.

President Branstad thanked the Senate with brief remarks.

Senator Junkins appeared in the well of the Senate and presented K. Marie Thayer with a gold Seiko Quartz wristwatch from the members of the Senate and the Senate staff in appreciation for her outstanding service as Secretary of the Senate during the 1982 Session of the Sixty-ninth General Assembly.

Ms. Thayer thanked the members of the Senate and staff with brief remarks.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the conference committee on Senate File 268, appointed April 24, 1982, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections, on the part of the House are: The Representative from Clayton, Mr. Halvorson, Chair; the Representative from Muscatine, Mr. Conlon; the Representative from Polk, Mr. Smalley; the Representative from Black Hawk, Mr. Rapp; and the Representative from Marshall, Mr. Swartz.

CONFERENCE COMMITTEE REPORTS RECEIVED

A conference committee report signed by the following Senate and House members was filed April 24, 1982, on **Senate File 2245**, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses.

On the Part of the Senate:

JULIA GENTLEMAN, Chair
SUE YENGER
RICHARD VANDE HOEF
CHARLES P. MILLER
ALVIN V. MILLER

On the Part of the House:

JOE GROSS, Chair
JOYCE LONERGAN
HORACE DAGGETT
KEN DE GROOT
JANET CARL

ALSO:

A conference report signed by the following Senate and House members was filed April 24, 1982, on **House File 2369**, a bill for an act relating to crimes from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication.

On the Part of the Senate:

A.R. BUD KUDART, Chair
BOB CARR
LUCAS J. DeKOSTER
MICK LURA
ARTHUR A. SMALL, JR.

On the Part of the House:

DOUGLAS RITSEMA, Chair
BETTY JEAN CLARK
VIRGIL E. COREY
DANIEL JAY
JOSEPH J. WELSH

RECESS

On motion of Senator Hultman, the Senate recessed at 12:20 p.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2153, a bill for an act relating to the state sales, services, and use taxes by exempting various materials used as a carrier for light-sensitive emulsions.

ALSO: That the House has on April 24, 1982, concurred in Senate amendment as amended, and passed the following joint resolution in which the concurrence of the House was asked:

House Joint Resolution 2003, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

ALSO: That the House has, on April 24, 1982, adopted the **conference committee report** and passed **House File 2250**, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate primary road system.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2090

Senator Jensen asked and received unanimous consent to call up for consideration House File 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5789 to Senate amendment H—5962 filed April 24, 1982.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Jensen 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2090) the vote was:

Ayes, 41:

Anderson	Brown	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Baughner	Bisenius	Briles	Kinley
Palmer	Priebe	Ramsey	Taylor
Tieden			

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 2490.

House File 2490

On motion of Senator DeKoster, House File 2490, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposit laws to the funds of electric power agencies, with report of committee recommending passage, was taken up for consideration.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2490) the vote was:

Ayes, 46:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	Cornito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

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

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2476.

House File 2476

On motion of Senator Waldstein, House File 2476, a bill for an act relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance, with report of committee recommending passage, was taken up for consideration.

Senator Rush offered amendment S—5791 filed by Senators Waldstein, et al., from the floor to pages 1 through 3 of the bill and moved its adoption.

Amendment S—5791 was adopted by a voice vote.

President Branstad took the chair at 1:50 p.m.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2476) the vote was:

Ayes, 44:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Briles	Gallagher	Kinley	Nystrom
Palmer	Priebe		

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 that **House File 2476** be immediately messaged to the House.

Senator Hultman asked and received unanimous consent to take up for consideration House File 2491.

House File 2491

On motion of Senator Murray, House File 2491, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Vande Hoef withdrew amendment S—5782 filed by him on April 23, 1982, to page 1 of the bill.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2491) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 58, Senator Hultman called up the following appointees on the En Bloc Confirmation Calendar:

Director of the Development Commission

David H. Swanson, committee recommendation found on page 1374 of the Senate Journal.

State Board of Dental Examiners

Jan A. Brown, committee recommendation found on page 1373 of the Senate Journal.

Senator Hultman moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 1:

Priebe

The Chair declared the appointments confirmed.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 2493.

House File 2493

On motion of Senator Baughner, House File 2493, a bill for an act relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program, with report of committee recommending passage, was taken up for consideration.

Senator Murray withdrew amendment S—5769 filed by him on April 23, 1982, to pages 7 and 9 of the bill.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2493) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Anderson	Baugher	Bisenius	Briles
Carney	Cornito	Craft	Deluhery
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Hultman	Husak
Jensen	Junkins	Kudart	Murray
Nystrom	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Van Gilst	Yenger

Nays, 21:

Brown	Carr	Coleman	DeKoster
Doyle	Gallagher	Holden	Hulse
Hutchins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Palmer	Ramsey	Rodgers
Rush	Slater	Small	Waldstein
Wells			

Absent or not voting, 1:

Priebe

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2493 passed the Senate on April 24, 1982.

PATRICK J. DELUHERY

RESOLUTIONS ASSIGNED TO COMMITTEE

President Branstad announced that Senate Concurrent Resolutions 134 and 135 were assigned to the committee on **Rules and Administration**.

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 137, a resolution relating to interim studies.

Recommendation: APPROVED COMMITTEE RESOLUTION.

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

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 137.

Senate Concurrent Resolution 137

On motion of Senator Hultman, Senate Concurrent Resolution 137, a resolution referring all study committee resolutions to the legislative council to authorize the interim studies, filed April 24, 1982, and found pages 1425-1426 of the Senate Journal, was taken up for consideration.

Senator Hultman moved the adoption of Senate Concurrent Resolution 137, which motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2497, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices and by providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office, and by providing that political party auxiliary organizations may be licensed to conduct games as qualified organizations provided that the net receipts are dedicated to a public use.

This bill was read first time and **passed on file**.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House Joint Resolution 2003

Senator Schwengels asked and received unanimous consent to call up for consideration House Joint Resolution 2003, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5798 to Senate amendment H—6011 filed April 24, 1982.

A non record roll call was requested.

The ayes were 25, nays 20.

The motion prevailed 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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.J.R. 2003) the vote was:

Ayes, 46:

Anderson	Baugher	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin

Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Bisenius

Absent or not voting, 3:

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

HOUSE AMENDMENT CONSIDERED

Senate File 2153

Senator Van Gilst asked and received unanimous consent to call up for consideration Senate File 2153, a bill for an act relating to the state sales, services, and use taxes by providing that property sold or used within the meaning of the processing exemption includes linotype, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions, limiting the amount of refunds allowable under this Act, and making it retroactive, amended by the House, and moved that the Senate concur in House amendment S—5797 filed April 24, 1982.

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 by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2153) the vote was:

Ayes, 45:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman

Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A. V.	Miller, C.P.
Murray	Palmer	Ramsey	Readinger
Rodgers	Rush	Slater	Taylor
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Nystrom	Priebe	Schwengels	Small
Tieden			

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

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 24, 1982, 10:35 a.m.

Members Present: Craft, Chair; Readinger, Vice Chair; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Rodgers, Ranking Member.

Final Bill Action: HOUSE FILE 2479, a bill for an act to disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effect upon publication retroactive to January 1, 1981.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Craft, Readinger, Hester, Holden, Hultman, Lura, Ramsey and Taylor. Nays, 6: Husak, Junkins, Palmer, Priebe, Rush and Van Gilst. Absent or not voting, 1: Rodgers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 10:40 a.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Hultman asked and received unanimous consent to take up for immediate consideration House File 2479.

House File 2479

On motion of Senator Craft, House File 2479, a bill for an act to disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effect upon publication retroactive to January 1, 1981, with report of committee recommending passage, was taken up for consideration.

Senator Rodgers offered amendment S—5800 filed by him from the floor to page 1 and to the title page of the bill.

Senator Craft raised the point of order that amendment S—5800 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5800 out of order.

Senator Rodgers withdrew amendment S—5802 filed by him from the floor to page 1 and to the title page of the bill.

Senator Lura took the chair at 3:08 p.m.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2479) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 39:

Anderson	Baughner	Bisenius	Briles
Carney	Carr	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Nays, 9:

Brown	Coleman	Gallagher	Holden
Husak	Hutchins	Rodgers	Rush
Wells			

Absent or not voting, 2:

Comito Priebe

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

BUSINESS PENDING

Senate File 2312

The Senate resumed consideration of Senate File 2312, previously deferred.

Senator Schwengels asked and received unanimous consent to withdraw amendment S—5796 filed by Senators Schwengels and Rodgers from the floor to page 1 and to the title page of the bill.

Senator Rodgers offered amendment S—5799 filed by Senators Rodgers, Hutchins and Van Gilst from the floor to page 1 and to the title page of the bill.

Senator Taylor raised the point of order that amendment S—5799 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5799 out of order.

Senator Carney took the chair at 3:50 p.m.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2312) 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	Carney
Coleman	Comito	Craft	Doyle
Dreeszen	Gratias	Hester	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Miller, C.P.	Murray	Nystrom

Ramsey	Readerger	Rodgers	Schwengels
Taylor	Tieden	Van Gilst	Yenger

Nays, 21:

Anderson	Baughner	Carr	DeKoster
Deluhery	Drake	Gallagher	Gentleman
Goodwin	Holden	Hulse	Kinley
Kudart	Lura	Palmer	Rush
Slater	Small	Vande Hoef	Waldstein
Wells			

Absent or not voting, 1:

Priebe

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

Senator Hultman asked and received unanimous consent that **Senate File 2312** be **immediately messaged** to the House.

BILL ASSIGNED TO COMMITTEE

The Chair announced that **House File 2497** was assigned to the committee on **State Government**.

SENATE INSISTS

House File 2439

Senator Lura called up for consideration House File 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons, amended by the Senate.

Senator Briles raised the point of order that House File 2439 should be referred to the committee on Ways and Means under Senate Rule 37.

Senator Briles withdrew his point of order.

Senator Lura moved that the Senate recede from its amendment and requested a record roll call.

On the question "Shall the motion to recede be adopted?" (H.F. 2439) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Anderson	Bisenius	Brown	Carney
Coleman	Craft	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Husak	Hutchins	Junkins
Lura	Nystrom	Rodgers	Schwengels
Taylor	Vande Hoef	Waldstein	

Nays, 25:

Baughner	Briles	Carr	Comito
DeKoster	Deluhery	Hester	Holden
Hulse	Jensen	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Palmer
Ramsey	Readinger	Rush	Slater
Small	Tieden	Van Gilst	Wells
Yenger			

Absent or not voting, 2:

Hultman	Priebe
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The motion lost and the Senate **insisted** on its amendment.

CONSIDERATION OF RESOLUTION (Regular Calendar)

House Concurrent Resolution 6

On motion of Senator Lura, House Concurrent Resolution 6, a resolution supporting the claims of ownership of Iowa lands bought by the Monona County Land Association in litigation, filed February 5, 1981 and found on pages 337-338 of the 1981 Senate Journal, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lura offered amendment S—5445 filed by the committee on Judiciary on April 1, 1982, to page 1 of the resolution and moved its adoption.

Amendment 5445 was adopted by a voice vote.

Senator Lura moved the adoption of House Concurrent Resolution 6 as amended.

A record roll call was requested.

On the question "Shall the resolution as amended be adopted?" (H.C.R. 6) the vote was:

Ayes, 30:

Baugher	Bisenius	Briles	Carney
Coleman	Comito	Craft	Deluhery
Doyle	Drake	Dreeszen	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Junkins	Lura
Miller, A.V.	Miller, C.P.	Ramsey	Rodgers
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Yenger		

Nays, 16:

Anderson	Brown	Carr	DeKoster
Gallagher	Gentleman	Holden	Kinley
Kudart	Murray	Palmer	Readinger
Rush	Slater	Small	Wells

Absent or not voting, 4:

Jensen	Nystrom	Priebe	Waldstein
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The motion prevailed and the resolution as amended was adopted.

Senator Hultman asked and received unanimous consent that **House Concurrent Resolution 6** be immediately messaged to the House.

ADOPTION OF RESOLUTIONS

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 116

By: Hultman and Junkins

- 1 *Whereas*, Senator Stephen W. Bisenius has served honorably
- 2 as a member of the Senate; and
- 3 *Whereas*, Senator Bisenius has determined that he will not
- 4 seek re-election to the Senate; and
- 5 *Whereas*, Senator Bisenius has served as chair of the
- 6 Appropriations Subcommittee on Transportation and Law

7 Enforcement, as well as lending his expertise on energy-related
 8 issues as vice chair of the Energy Committee; and
 9 *Whereas*, Senator Stephen W. Bisenius has always shown the
 10 utmost courtesy and good humor in his relationships with his
 11 colleagues in the Senate, as well as members of the staff
 12 and others with whom he has come in contact during his tenure
 13 in the Legislature; *Now Therefore*,
 14 *Be It Resolved by the Senate*, That the members of the
 15 Senate of the Sixty-ninth General Assembly extend to Senator
 16 Stephen W. Bisenius their sincere appreciation for his years
 17 of legislative service and their best wishes in his future
 18 endeavors; and
 19 *Be It Further Resolved*, That a copy of this resolution
 20 certified by the Secretary of the Senate be forwarded to
 21 Senator Stephen W. Bisenius in recognition of his service
 22 in the Senate.

Senator Hultman moved the adoption of Senate Resolution 116,
 which motion prevailed by a voice vote.

Senator Bisenius addressed the Senate with brief remarks.

Senator Hultman asked and received unanimous consent to take
 up the following resolution:

SENATE RESOLUTION 117

By: Hultman and Junkins

1 *Whereas*, Senator Richard Comito has decided that he will
 2 not seek re-election to the Iowa Senate; and
 3 *Whereas*, Senator Richard Comito has served the Senate
 4 honorably as vice chair of the Cities Committee as well as
 5 serving on the Commerce, Transportation and Appropriations
 6 Claims Committee and the National Legislative Conference on
 7 Arson; and
 8 *Whereas*, the efforts Senator Comito has expended with
 9 regard to legislation concerning fair market competition,
 10 fire safety requirements in housing, handicapped parking
 11 accessibility, and numerous other issues affecting the daily
 12 lives of Iowans have contributed significantly to the
 13 accomplishments of the General Assembly; and
 14 *Whereas*, Senator Comito's pharmaceutical expertise, common
 15 sense approach to legislation and unflinching good humor will
 16 be missed by his colleagues in the Senate; *Now Therefore*,
 17 *Be It Resolved by the Senate*, That the members of the
 18 Senate of the Sixty-ninth General Assembly extend to Senator
 19 Richard Comito their gratitude for his years of legislative
 20 contributions and sincere service to the people of the state;
 21 and

22 *Be It Further Resolved*, That a copy of this resolution
 23 be forwarded to Senator Richard Comito.

Senator Hultman moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

Senator Comito addressed the Senate with brief remarks.

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 118

By: Hultman and Junkins

1 *Whereas*, Senator Rolf V. Craft has served honorably
 2 as a member of the Senate for two terms; and
 3 *Whereas*, Senator Craft has announced that he will
 4 not seek re-election to this Senate seat; and
 5 *Whereas*, the diligent work of Senator Craft as
 6 chair of the Ways and Means Committee, as well as his
 7 service on the committees on Commerce, State Government
 8 and Social Services Appropriations have been greatly
 9 appreciated by his colleagues in the Senate; and
 10 *Whereas*, Senator Craft's good humor and courtesly
 11 have been a most welcomed addition to the daily
 12 operation of the Senate; *Now Therefore*,
 13 *Be It Resolved by the Senate*, That the members of
 14 the Senate of the Sixty-ninth General Assembly extend
 15 to Senator Rolf V. Craft their sincere appreciation for
 16 his years of legislative service; and
 17 *Be It Further Resolved*, That a copy of this resolution
 18 certified by the Secretary of the Senate be forwarded
 19 to Senator Rolf Craft in recognition of his service to
 20 the people of Iowa.

President Branstad took the chair at 4:50 p.m.

Senator Hultman moved the adoption of Senate Resolution 118, which motion prevailed by a voice vote.

Senator Craft addressed the Senate with brief remarks.

CONFERENCE COMMITTEE REPORT RECEIVED
 (House File 2463)

A conference committee report signed by the following Senate and House members was filed April 24, 1982, on **House File 2463**, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water

council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date.

On the Part of the Senate:

FORREST V. SCHWENGELS, Chair
 JAMES V. GALLAGHER
 NORMAN J. GOODWIN
 NORMAN RODGERS
 DALE L. TIEDEN

On the Part of the House:

VICTOR STUELAND, Chair
 JAMES O. ANDERSON
 LISLE COOK

HOUSE AMENDMENT CONSIDERED

Senate File 2304

Senator Murray asked and received unanimous consent to call up for consideration Senate File 2304, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983, amended by the House in House amendment S—5788 filed April 24, 1982.

Senator Murray offered amendment S—5805 filed by him from the floor to pages 1 through 5 of the House amendment S—5788 and moved its adoption.

Amendment S—5805 was adopted by a voice vote.

Senator Slater offered amendment S—5807 filed by Senators Slater and Waldstein from the floor to page 5 of House amendment S—5788 and moved its adoption.

Amendment S—5807 was adopted by a voice vote.

Senator Baugher offered amendment S—5794 filed by him from the floor to page 1 of House amendment S—5788 and moved its adoption.

Amendment S—5794 was adopted by a voice vote.

Senator Rush withdrew amendment S—5795 filed by him from the floor to page 1 of House amendment S—5788.

Senator Rush offered amendment S—5804 filed by him from the floor to page 4 of House amendment S—5788, moved its adoption and requested a record roll call.

On the question “Shall amendment S—5804 to House amendment S—5788 be adopted?” (S.F. 2304) the vote was:

Ayes, 20:

Brown	Coleman	Deluhery	Doyle
Dreeszen	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, C.P.
Palmer	Readinger	Rodgers	Rush
Small	Van Gilst	Wells	Yenger

Nays, 29:

Anderson	Baugher	Bisenius	Briles
Carney	Carr	Comito	Craft
DeKoster	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Lura	Miller, A.V.
Murray	Nystrom	Ramsey	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Waldstein			

Absent or not voting, 1:

Priebe

Amendment S—5804 lost.

Senator Rush offered amendment S—5801 filed by him from the floor to page 6 of House amendment S—5788 and moved its adoption.

Amendment S—5801 was adopted by a voice vote.

Senator Murray moved that the Senate concur in House amendment S—5788 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Murray moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2304) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 1:

Holden

Absent or not voting, 2:

Briles Priebe

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

CONFERENCE COMMITTEE REPORTS RECEIVED (Filed April 23, 1982)

A conference committee report signed by the following Senate and House members was filed April 23, 1982, on **House File 2250**, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system.

On The Part of the Senate:

RICHARD F. DRAKE, Chair
 RICHARD COMITO
 JOHN W. JENSEN
 ALVIN V. MILLER

On The Part of the House:

WARREN JOHNSON, Chair
 DONALD H. BINNEBOESE
 ARLYN E. DANKER
 LESTER D. MENKE
 EMIL S. PAVICH

ALSO:

A conference committee report signed by the following Senate and House members was filed April 23, 1982, on **House File 2460**, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code.

On the Part of the Senate:

JOHN S. MURRAY, Chair
 JULIA GENTLEMAN
 DICK RAMSEY
 BOB RUSH
 C. JOSEPH COLEMAN

On the Part of the House:

WALTER CONLON, Chair
 VIRGINIA POFFENBERGER
 JO ANN TRUCANO

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 24, 1982, passed the following bill in which the concurrence of the Senate is asked:

House File 2499, a bill for an act to legalize the proceedings of the City Council of the City of Mount Pleasant relating to the sale of property to the Henry County industrial development corporation.

This bill was read first time and referred to the committee on **Judiciary**.

CONFERENCE COMMITTEE REPORTS CONSIDERED

House File 2250

Senator Drake called up the conference committee report on House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government, filed on April 23, 1982, and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 2250) the vote was:

Ayes, 29:

Briles	Carney	Craft	DeKoster
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Miller, A.V.	Murray	Ramsey
Readinger	Schwengels	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, 19:

Anderson	Baughner	Bisenius	Brown
Carr	Coleman	Comito	Deluhery

Doyle	Husak	Hutchins	Junkins
Kinley	Miller, C.P.	Palmer	Rodgers
Rush	Slater	Wells	

Absent or not voting, 2:

Nystrom	Priebe
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The motion prevailed 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 by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2250) the vote was:

Ayes, 48:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Palmer	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 2:

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

Senate File 2245

Senator Gentleman called up the conference committee report on Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, filed on April 24, 1982, and moved its adoption.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2245) the vote was:

Ayes, 47:

Anderson	Baughner	Bisenius	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, on April 24, 1982, adopted the **conference committee report** and passed **House File 2460**, a bill for an act to amend the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senate Concurrent Resolution 115

On motion of Senator Jensen, Senate Concurrent Resolution 115, a resolution proclaiming April, 1982, as the fourth annual "Reading Month in Iowa", filed March 31, 1982, and found on pages 961-962 of the Senate Journal, was taken up for consideration.

Senator Jensen asked and received unanimous consent that **House Concurrent Resolution 143** be substituted for **Senate Concurrent Resolution 115**.

House Concurrent Resolution 143

On motion of Senator Jensen, House Concurrent Resolution 143, a resolution proclaiming April, 1982, as the fourth annual "Reading Month in Iowa", filed April 20, 1982, and found on page 1297 of the Senate Journal, was taken up for consideration.

Senator Jensen moved the adoption of House Concurrent Resolution 143, which motion prevailed by a voice vote.

House Concurrent Resolution 114

On motion of Senator Readinger, House Concurrent Resolution 114, a resolution opposing the accelerated decontrol of natural gas prices, filed March 22, 1982, and found on pages 848-849 of the Senate Journal, with report of committee recommending passage, was taken up for consideration.

Senator Holden withdrew amendment S—5640 filed by him on April 19, 1982, to page 2 of the resolution.

Senator Readinger moved the adoption of House Concurrent Resolution 114.

A non record roll call was requested.

The ayes were 27, nays 12.

The motion prevailed and the resolution was adopted.

Senate Resolution 113

On motion of Senator Murray, Senate Resolution 113, a resolution establishing the budget for the Senate for the fiscal year 1983, filed April 2, 1982, and found on pages 1011-1012 of the Senate Journal, was taken up for consideration.

Senator Murray moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

Senator Lura took the chair at 6:00 p.m.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2460

Senator Murray called up the conference committee report on House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, filed on April 23, 1982, and moved its adoption.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2460) the vote was:

Ayes, 49:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 1:

Priebe

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 2304

Senator Murray withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2304 passed the Senate on April 24, 1982.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate Files 2245 and 2304** and **House File 2460** be immediately messaged to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, on April 24, 1982, adopted the conference committee report and passed House File 2369, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2369

Senator Kudart called up the conference committee report on House File 2369, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, filed on April 24, 1982, and moved its adoption.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Kudart moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2369) the vote was:

Ayes, 49:

Anderson	Baugher	Bisenius	Briles
Brown	Carney	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley

Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 1:

Priebe

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

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2369** be **immediately messaged** to the House.

ADOPTION OF RESOLUTIONS

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 119

By: Hultman and Junkins

1 *Whereas*, Senator Lucas J. DeKoster has served honorably
2 as a member of the Senate for five terms of office; and
3 *Whereas*, Senator Lucas J. DeKoster has served the senate
4 with distinction as Assistant Majority Leader, chair of the
5 Appropriations Committee, chair of the Judiciary Committee,
6 a respected member of the Legislative Council and Legislative
7 Fiscal Committee for many years, as well as providing
8 leadership on countless interim study committees; and
9 *Whereas*, Senator DeKoster has guided the Senate through
10 debate on many intricate bills dealing with the issues before
11 the Judiciary Committee with unfailing patience and courtesy;
12 and
13 *Whereas*, Senator DeKoster has regrettably announced that
14 he will not seek re-election to the Senate; and
15 *Whereas*, Senator Lucas J. DeKoster's participation in the
16 legislative process and the influence he has exerted over
17 the enactment of legislation into law have been greatly
18 appreciated by those with whom he has served as well as the
19 people of the state; *Now Therefore*,

20 *Be It Resolved by the Senate*, That the members of the
21 Senate of the Sixty-ninth General Assembly extend to Senator
22 Lucas J. DeKoster their sincerest gratitude for his years
23 of service and substantial contributions to the people of
24 this state; and

25 *Be It Further Resolved*, That a copy of this resolution
26 certified by the Secretary of the Senate be forwarded to
27 Senator Lucas J. DeKoster in recognition of all his numerous
28 contributions and many achievements.

Senator Hultman moved the adoption of Senate Resolution 119, which motion prevailed by a voice vote.

Senator DeKoster addressed the Senate with brief remarks.

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 120

By: Hultman and Junkins

1 *Whereas*, Senator A. R. "Bud" Kudart has served honorably
2 as a member of the Iowa Senate; and

3 *Whereas*, Senator Kudart has determined that he will not
4 seek re-election to the Senate; and

5 *Whereas*, Senator Kudart has distinguished himself during
6 his tenure in the Senate by his diligent and painstaking study
7 of the complex legislation he has handled as the Vice Chair
8 of the Judiciary Committee, as well as those matters
9 encountered in his service on the Committees on Energy, Natural
10 Resources and Human Resources Appropriations and the Commission
11 on Interstate Cooperation; and

12 *Whereas*, Senator "Bud" Kudart will be missed for his never-
13 failing courtesy and sense of fair play; *Now Therefore*,

14 *Be It Resolved by the Senate*, That the members of the
15 Senate of the Sixty-ninth General Assembly extend to Senator
16 A. R. "Bud" Kudart their sincere appreciation for his years
17 of legislative service and his contributions to the people
18 of the state of Iowa; and

19 *Be It Further Resolved*, That a copy of this resolution
20 certified by the Secretary of the Senate be forwarded to
21 Senator A. R. "Bud" Kudart in recognition of his service.

Senator Hultman moved the adoption of Senate Resolution 120, which motion prevailed by a voice vote.

Senator Kudart addressed the Senate with brief remarks.

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 121

By: Hultman and Junkins

- 1 *Whereas*, Senator John Murray has served honorably as a
 2 member of the Senate for a period of ten years; and
 3 *Whereas*, Senator Murray has most regrettably announced
 4 that he will not again seek re-election to the Senate; and
 5 *Whereas*, Senator Murray has been actively involved in
 6 consideration of a wide range of issues which have come before
 7 the Senate during his service, and has earned the respect
 8 of his colleagues by his forthright advocacy of the positions
 9 he has taken on these issues; and
 10 *Whereas*, Senator John Murray's contributions to the Senate
 11 include his service as Assistant Majority Leader, and on the
 12 Legislative Council and Legislative Fiscal Committee, in
 13 addition to his tireless work as Chair of the Appropriations
 14 Committee, an always difficult assignment made even more
 15 challenging the last several years by the uncertain economic
 16 situation; *Now Therefore*,
 17 *Be It Resolved by the Senate*, That the members of the
 18 Senate of the Sixty-ninth General Assembly express to Senator
 19 John Murray their sincere appreciation of his years of
 20 dedication to the service of the people of the state of Iowa;
 21 and
 22 *Be It Further Resolved*, That a copy of this resolution
 23 certified by the Secretary of the Senate be forwarded to
 24 Senator John Murray.

Senator Hultman moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

Senator Murray addressed the Senate with brief remarks.

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 122

By: Hultman and Junkins

- 1 *Whereas*, Senator Richard Ramsey has served honorably as
 2 a member of the Senate for a period of ten years; and
 3 *Whereas*, Senator Ramsey has announced that he will not
 4 seek re-election to the Senate; and
 5 *Whereas*, Senator Richard Ramsey has served with distinction
 6 as President Pro Tempore of the Senate, Assistant Majority
 7 Leader, Chair of the Committees on Energy and Ethics, and
 8 as an active member of the Legislative Council and the

9 Committees on Appropriations, Judiciary, Rules and
10 Administration and Ways and Means; and
11 *Whereas*, the efforts Senator Ramsey has expended in the
12 enactment of legislation in the areas of energy conservation,
13 hazardous waste handling and disposal, and a host of intricate
14 legal issues have been greatly appreciated by his colleagues;
15 *Now Therefore*,
16 *Be It Resolved by the Senate*, That the members of the
17 Senate of the Sixty-ninth General Assembly express to Senator
18 Richard Ramsey their heartfelt appreciation for his years of
19 legislative service; and
20 *Be It Further Resolved*, That a copy of this resolution,
21 certified by the Secretary of the Senate, be forwarded to
22 Senator Richard Ramsey in acknowledgement of his dedication
23 to the service of the people of Iowa.

Senator Hultman moved the adoption of Senate Resolution 122,
which motion prevailed by a voice vote.

Senator Ramsey addressed the Senate with brief remarks.

Senator Junkins asked and received unanimous consent to take
up the following resolution:

SENATE RESOLUTION 123

By: Hultman and Junkins

1 *Whereas*, Senator Bob Rush has served honorably as a member
2 of the Senate of the state of Iowa; and
3 *Whereas*, Senator Rush has served the Senate as Assistant
4 Minority Leader, and Ranking Member of the Judiciary Committee,
5 as well as providing support in such difficult committee
6 assignments as Appropriations, Commerce and Ways and Means;
7 and
8 *Whereas*, Senator Rush has consistently shown diligence
9 and patience in leading the Senate through its consideration
10 of many of the complex legal and commercial issues debated
11 in the last six sessions; and
12 *Whereas*, Senator Rush will not be serving as a member of
13 the Seventieth General Assembly and his meticulous scrutiny
14 of legislation before the Senate from a legal viewpoint will
15 be sorely missed by his colleagues; *Now Therefore*,
16 *Be It Resolved by the Senate*, That the members of the
17 Senate of the Sixty-ninth General Assembly extend to Senator
18 Bob Rush their deepest gratitude for his years of legislative
19 service and dedication to the people of the state; and
20 *Be It Further Resolved*, That a copy of this resolution
21 be forwarded to Senator Bob Rush in recognition of his service
22 in the Senate.

Senator Junkins moved the adoption of Senate Resolution 123, which motion prevailed by a voice vote.

Senator Rush addressed the Senate with brief remarks.

Senator Junkins asked and received unianimous consent to take up the following resolution:

SENATE RESOLUTION 124

By: Hultman and Junkins

1 *Whereas*, Senator Charles P. Miller will be completing
2 twenty years of service to the state of Iowa as a member
3 of the General Assembly;
4 *Whereas*, Senator Charles Miller has served honorably
5 as a member of the General Assembly and has unselfishly
6 given his time and effort to further the interests of
7 the state of Iowa and to provide beneficial programs
8 to the citizens and counties of the State of Iowa; and
9 *Whereas*, it is proper that Senator Miller be honored
10 for his many years of service to the State of Iowa;
11 *Now Therefore*,
12 *Be It Resolved by the Senate*, That the Senate pay
13 tribute to Senator Charles P. Miller and express its
14 gratitude for the services rendered by him; and
15 *Be It Further Resolved*, That the Senate present to
16 Senator Miller a senate chair in appreciation for his
17 services.

Senator Junkins moved the adoption of Senate Resolution 124, which motion prevailed by a voice vote.

Senator Junkins asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 125

By: Hultman and Junkins

1 *Whereas*, Senator Donald V. Doyle will be completing twenty
2 years of service to the state of Iowa as a member of the
3 General Assembly; and
4 *Whereas*, Senator Doyle has served honorably as a member
5 of the General Assembly and has unselfishly given his time
6 and effort to further the interests of the state of Iowa and
7 to provide beneficial programs for the citizens of Iowa; and
8 *Whereas*, it is proper that Senator Doyle be honored for
9 his many years of service to the state of Iowa; *Now Therefore*,
10 *Be It Resolved by the Senate*, That the Senate pay tribute
11 to Senator Donald V. Doyle and express its gratitude for the

- 12 services rendered by him; and
- 13 *Be It Further Resolved*, That the Senate present to Senator
- 14 Doyle his senate chair in appreciation for his services.

Senator Junkins moved that adoption of Senate Resolution 125, which motion prevailed by a voice vote.

REQUEST FOR UNANIMOUS CONSENT (Senate Chair)

Senator Hultman asked and received unanimous consent that Senator Lucas J. DeKoster be given his Senate chair in appreciation for his many years of service.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, on April 24, 1982, adopted the **conference committee report** and passed **House File 2463**, a bill for an act to consolidate the regulation and management of water resources by creating the Iowa water council.

PROOF OF PUBLICATION

Published copy of House File 2499 and verified proof of publication of said bill in The Mt. Pleasant News, a newspaper published in Henry County, on April 23, 1982, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

REPORT OF COMMITTEE

JUDICIARY

Final Bill Action: HOUSE FILE 2499, a bill for an act to legalize the proceedings of the City Council of the City of Mount Pleasant relating to the sale of property to the Henry county industrial development corporation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Baugher, Carr, Coleman, Doyle, Dreeszen, Lura, Murray, Ramsey and Taylor. Nays, 3: DeKoster, Kudart and Rush. Voting present, 2: Deluhery and Small.

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 2499.

House File 2499

On motion of Senator Dreeszen, House File 2499, a bill for an act to legalize the proceedings of the City Council of the City of Mount Pleasant relating to the sale of property to the Henry county industrial development corporation, with report of committee recommending passage, was taken up for consideration.

Senator Dreeszen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2499) the vote was:

Ayes, 46:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rodgers
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 3:

Baugher	DeKoster	Rush
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Absent or not voting, 1:

Priebe

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

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2218)

A conference committee report signed by the following Senate and House members was filed April 24, 1982, on Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

On the Part of the Senate:

DALE L. TIEDEN, Chair
FORREST V. SCHWENGELS
BASS VAN GILST
ARNE WALDSTEIN

On the Part of the House:

WAYNE BENNETT, Chair
WENDELL C. PELLETT
JOHN PELTON

President Branstad took the chair at 7:35 p.m.

CONFERENCE COMMITTEE REPORTS CONSIDERED

Senator Tieden called up the conference committee report on Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, filed on April 23, 1982, and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (S.F. 2218) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Bisenius	Briles	Carney	Drake
Dreeszen	Gallagher	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Ramsey	Schwengels	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, 23:

Anderson	Baughner	Brown	Carr
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Coleman	Comito	Craft	DeKoster
Deluhery	Doyle	Gentleman	Holden
Junkins	Kinley	Kudart	Lura
Palmer	Readinger	Rodgers	Rush
Slater	Small	Wells	

Absent or not voting, 2:

Gratias Priebe

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2218) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Bisenius	Briles	Carney	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Hester	Hulse	Hultman	Jensen
Miller, A.V.	Murray	Nystrom	Ramsey
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Nays, 25:

Anderson	Baughner	Brown	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Gentleman	Holden	Husak
Hutchins	Junkins	Kinley	Kudart
Lura	Miller, C.P.	Palmer	Readinger
Rodgers	Rush	Slater	Small
Wells			

Absent or not voting, 2:

Gratias Priebe

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

House File 2463

Senator Schwengels called up the conference committee report on House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date, filed on April 23, 1982, and moved its adoption.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2463) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Briles
Brown	Carney	Coleman	Comito
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A. V.	Miller, C.P.	Murray
Nystrom	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, 3:

Carr	Gentleman	Van Gilst
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Absent or not voting, 5:

Craft	Gratias	Kinley	Palmer
Priebe			

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 Bill Action: HOUSE FILE 2497, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices, and by providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office, and by providing that political party auxiliary organizations may be licensed to conduct games as qualified organizations provided that the net receipts are dedicated to a public use.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Nystrom, Slater, Carr, Craft, Drake, Gentleman, Hutchins, Palmer, Schwengels and Tieden. Nays, none. Absent or not voting, 4: Lura, Briles, Gallagher and C. Miller.

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 2497.

House File 2497

On motion of Senator Drake, House File 2497, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices, and by providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office, and by providing that political party auxiliary organizations may be licensed to conduct games as qualified organizations provided that the net receipts are dedicated to a public use, with report of committee recommending passage, was taken up for consideration.

Senator Small offered amendment S—5806 filed by Senators Small and Drake from the floor to page 3 and to the title page of the bill and moved its adoption.

Amendment S—5806 was adopted by a voice vote.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2497) the vote was:

Ayes, 39:

Anderson	Bisenius	Briles	Brown
Carney	Carr	Coleman	Cornito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Holden	Hulse	Hultman
Husak	Hutchins	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Ramsey	Readinger	Rodgers
Rush	Slater	Small	Taylor
Waldstein	Wells	Yenger	

Nays, 4:

Hester	Jensen	Vande Hoef	Van Gilst
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Absent or not voting, 6:

Baughner	Gratias	Kinley	Palmer
Priebe	Schwengels	Tieden	

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 and received unanimous consent that **House File 2497** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, on April 24, 1982, adopted the **conference committee report** and passed **Senate File 2245**, a bill for an act extending the operation of the department of substance abuse and striking the exemption of a program receiving state dollars from inspections by the department.

ALSO: That the House has on April 24, 1982, concurred in Senate amendment to House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 2304, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 2463** be immediately messaged to the House.

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

The Senate resumed session, President Branstad presiding.

MOTION TO RECONSIDER ADOPTED

Senator Craft 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 2218 failed to pass the Senate on April 24, 1982.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2218) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 30:

Baughner	Bisenius	Carney	Coleman
Comito	Craft	Doyle	Drake
Dreeszen	Goodwin	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, C.P.
Murray	Nystrom	Ramsey	Schwengels
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, 14:

Anderson	Carr	DeKoster	Deluhery
Gentleman	Kinley	Miller, A.V.	Palmer
Readinger	Rodgers	Rush	Slater
Small	Wells		

Absent or not voting, 6:

Briles	Brown	Gallagher	Gratias
Husak	Priebe		

The motion prevailed.

Senator Craft moved to reconsider the vote by which Senate File 2218 went to its last reading, which motion prevailed by a voice vote.

Senate File 2218

On motion of Senator Tieden, Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, was taken up for reconsideration.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2218) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Baughner	Bisenius	Carney	Coleman
Comito	Craft	Doyle	Drake
Dreeszen	Goodwin	Hester	Hulse
Hultman	Hutchins	Jensen	Kudart
Lura	Miller, A.V.	Murray	Nystrom
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Nays, 17:

Anderson	Carr	DeKoster	Deluhery
Gentleman	Holden	Junkins	Kinley

Miller, C.P.	Palmer	Ramsey	Readinger
Rodgers	Rush	Slater	Small
Wells			

Absent or not voting, 6:

Briles	Brown	Gallagher	Gratias
Husak	Priebe		

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 that **Senate File 2218** be **immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2178)

A conference committee report signed by the following Senate and House members was filed April 24, 1982, on Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems:

On the Part of the Senate:

JOHN N. NYSTROM, Chair
BOB CARR
FORREST V. SCHWENGELS
TOM SLATER
DALE L. TIEDEN

On the Part of the House:

GEORGE R. SWEARINGEN, Chair
DIANE BRANDT
DOROTHY CARPENTER
WILLIAM W. DIELEMAN
SEMOR C. TOFTE

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2178

Senator Nystrom called up the conference committee report on Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems, filed April 24, 1982, and moved its adoption.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2178) the vote was:

Ayes, 42:

Anderson	Baughner	Bisenius	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Hester
Hulse	Hultman	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Holden

Absent or not voting, 7:

Briles	Brown	Gallagher	Gratias
Husak	Miller, A.V.	Priebe	

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 that **Senate File 2178** be **immediately messaged** to the House.

ADOPTION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE CONCURRENT RESOLUTION 138

By: Hultman and Junkins

- 1 *Be It Resolved by the Senate, the House of*
- 2 *Representatives Concurring, That when adjournment is*
- 3 *had on Saturday, April 24, 1982, it be the final adjourn-*
- 4 *ment of the 1982 Regular Session of the Sixty-ninth*
- 5 *General Assembly.*

Senator Hultman moved the adoption of Senate Concurrent Resolution 138, which motion prevailed by a voice vote.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 2308

Judiciary
Rush, Chair
Taylor
Deluhery

**SENATE CONCURRENT
RESOLUTION 122**

Rules and Administration
Hultman, Chair
Hulse
Junkins

**SENATE CONCURRENT
RESOLUTION 125**

Agriculture
Taylor, Chair
Hutchins
Dreeszen

SENATE RESOLUTION 114

Rules and Administration
Hultman, Chair
Hulse
Junkins

HOUSE FILE 2481

Labor and Industrial Relations
Gratias, Chair
Goodwin
Wells

HOUSE FILE 2483

Human Resources
Gentleman, Chair
Gratias
C. Miller

HOUSE FILE 2489

Judiciary
Doyle, Chair

**SENATE CONCURRENT
RESOLUTION 116**

Rules and Administration
Hultman, Chair
Holden
Junkins

**SENATE CONCURRENT
RESOLUTION 124**

Rules and Administration
Hultman, Chair
Holden
Junkins

**SENATE CONCURRENT
RESOLUTION 130**

Agriculture
Taylor, Chair
Van Gilst
Vande Hoef

HOUSE FILE 2476

Appropriations
Waldstein, Chair
Slater
Craft
Vande Hoef
Brown

HOUSE FILE 2482

Appropriations
Tieden, Chair
Priebe
Goodwin
Hester
Gallagher

HOUSE FILE 2485

Transportation
Drake, Chair
Hutchins
Comito

HOUSE FILE 2490

Commerce
DeKoster, Chair

Dreeszen
Coleman

Holden
Priebe

HOUSE FILE 2499

Judiciary
Dreeszen, Chair
Coleman
Taylor

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 24th day of April, 1982:

Senate File 2091.

K. MARIE THAYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 23, 1982, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 26—Requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

S.F. 2220—Repealing a Code provision requiring the Iowa Commerce Commission to hold a special hearing to determine if charges payable by the state or an agency of the state for communications services are reasonable.

S.F. 2247—To authorize the establishment of nonprofit foundations by the boards of area schools.

S.F. 2260—Relating to coal mining.

S.F. 2264—To provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles.

S.F. 2268—Authorizing the Department of Public Safety to disseminate criminal history data to the Department of Social Services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties.

S.F. 2270—Relating to changes in the rules of civil procedure proposed by the Supreme Court.

S.F. 2274—Amending certain provisions of the 1981 Mental Health Reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services.

S.F. 2278—Relating to obscenity offenses and providing penalties.

S.F. 2294—To legalize the proceedings of the Board of Supervisors of Lee County relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property.

H.F. 2387—Relating to county government.

H.F. 2388—Repealing the provision that area education agencies must obtain approval from the State Board of Public Instruction before purchase or lease of equipment or facilities for media production or reproduction.

H.F. 2427—To legalize the action of the Board of Supervisors of Dubuque County reprecincting Cascade and Whitewater townships effective upon publication.

H.F. 2429—Relating to the use of Chapter 663A of the Code by persons convicted of, or sentenced for, a public offense.

H.F. 2441—Requiring the Department of Social Services to study and recommend a proposal relating to elderly independent group homes.

ALSO:

That on April 24, 1982, the Governor approved and transmitted to the Secretary of the State the following bill:

S.F. 2091—Relating to motor vehicle fuel, including provisions relating to ethanol blended motor vehicle fuel, and increasing the rate of the excise tax on gasohol, effective upon publication.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the Senate insisted on its amendment to House File 2439 on April 24, 1982.

SUE YENGER

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 268)

A conference committee report signed by the following Senate and House members was filed April 24, 1982, on Senate File 268, a

bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services:

On the Part of The Senate:

DICK, RAMSEY, Chair
A.R. BUD KUDART
GARY L. BAUGEHR

On the Part of the House:

ROGER HALVERSON, Chair
DOUGLAS SMALLEY
STEPHEN J. RAPP
WALTER CONLON
THOMAS SWARTZ

REPORT OF COMMITTEE MEETING

LABOR AND INDUSTRIAL RELATIONS

Convened: April 24, 1982, 9:15 a.m.

Members Present: Hulse, Chair; Carney, Vice Chair; Anderson, Ranking Member; Brown, Goodwin, Gratias, Hultman and Wells.

Members Absent: Kinley (excused).

Final Bill Action: HOUSE FILE 2481, a bill for an act relating to the certified eligible list for promotion for city civil service.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Hulse, Anderson, Brown, Goodwin, Gratias, Hultman and Wells. Nays, 1: Carney. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:25 a.m.

PETITIONS

The following petitions were presented and placed on file by:

Senator Craft from ninety-five residents of Bremer, Chickasaw and Pottawattamie Counties favoring legislation for the protection of Iowa prairie lands.

AMENDMENTS FILED

S—5788	S. F.	2304	House Amendment
S—5789	H.F.	2090	House Amendment
S—5790	S. F.	2312	Emil J. Husak

S—5791	H.F.	2476	Arne Waldstein Bob Rush William D. Palmer Dick Ramsey
S—5792	S. F.	2312	Emil J. Husak
S—5793	S. F.	2313	John W. Jensen
S—5794	S. F.	2304	Gary L. Baugher
S—5795	S. F.	2304	Bob Rush
S—5796	S. F.	2312	Forrest V. Schwengels
S—5797	S. F.	2153	House Amendment
S—5798	H.J. R.	2003	House Amendment
S—5799	S. F.	2312	Norman Rodgers C.W. Bill Hutchins Bass Van Gilst
S—5800	H.F.	2479	Norman Rodgers
S—5801	S. F.	2304	Bob Rush
S—5802	H.F.	2479	Norman Rodgers
S—5803	H.F.	2493	C. Joseph Coleman
S—5804	S. F.	2304	Bob Rush
S—5805	S. F.	2304	John S. Murray
S—5806	H.F.	2497	Arthur A. Small, Jr. Richard F. Drake
S—5807	S. F.	2304	Tom Slater Arne Waldstein

On motion of Senator Hultman, the Senate recessed at 9:59 p.m. until the fall of the gavel.

HOUSE MESSAGES RECEIVED AND CONSIDERED SUBSEQUENT TO RECESS

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 1982, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 2040, a bill for an act requiring warning notices to be included in urea-formaldehyde foam insulation contracts and providing a penalty.

ALSO: That the House has on April 2, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 2146, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

ALSO: That the House has on April 7, 1982, passed the following bill in which the concurrence of the House was asked:

Senate File 452, a bill for an act relating to private fish hatcheries.

ALSO: That the House has on April 24, 1982, passed the following bills in which the concurrence of the House was asked:

Senate File 2298, a bill for an act to legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication.

Senate File 2302, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Senate File 2308, a bill for an act authorizing two or more counties to establish a joint indigent defense fund.

Senate File 2312, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication.

ALSO: That the House has on April 24, 1982, failed to pass the following bill in which the concurrence of the House was asked:

Senate File 482, a bill for an act providing for compensation to owners of advertising devices and lessors of property upon which advertising devices are located when the device is removed or taken by the state.

ALSO: That the House has on April 24, 1982, adopted the following concurrent resolutions in which the concurrence of the House was asked:

Senate Concurrent Resolution 125, a resolution regarding the Commodity Credit Corporation grain storage program.

Senate Concurrent Resolution 136, a resolution providing for a study of an overall review of the tax structure of Iowa and alternative revenue sources.

Senate Concurrent Resolution 138, a resolution providing for the adjournment of the 1982 Session of the Sixty-ninth General Assembly.

ALSO: That the House has, on April 24, 1982, adopted the **conference committee report** and passed **Senate File 2178**, a bill for an act relating to the administration and benefits of public retirement systems.

ALSO: That the House has, on April 24, 1982, adopted the **conference committee report** and passed **Senate File 2218**, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

ALSO: That the House has on April 24, 1982, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 2476, a bill for an act relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance.

House File 2477, a bill for an act appropriating federal funds made available from federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded.

House File 2482, a bill for an act appropriating federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication.

ALSO: That the House has on April 24, 1982, refused to concur in Senate amendment to the following concurrent resolution in which the concurrence of the House was asked:

House Concurrent Resolution 6, a resolution supporting the claims of ownership of Iowa lands brought by the Monona County Land Association in litigation.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider which remained on the calendar upon the adjournment of the 1982

Regular Session of the Sixty-ninth General Assembly will be considered to have **failed**:

HOUSE FILE 2439 (Senate insisted on its amendment), a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons. Motion filed by Senator Yenger on April 24, 1982.

HOUSE FILE 2493 (passed the Senate), a bill for an act relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program. Motion filed by Senator Deluhery on April 24, 1982.

Amendment S—5803 filed by C. Joseph Coleman on April 24, 1982, out of order as motion to reconsider the bill will be considered to have failed.

The Senate resumed session, Senator Taylor presiding.

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, 1982:

Senate Files 256, 276, 362, 367, 387, 452, 464, 549, 559, 2146, 2153, 2178, 2190, 2191, 2193, 2203, 2204, 2212, 2213, 2215, 2216, 2218, 2221, 2231, 2240, 2245, 2251, 2253, 2280, 2286, 2288, 2292, 2293, 2297, 2298, 2300, 2302, 2303, 2304, 2305, 2308, 2309 and 2312.

K. MARIE THAYER
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2300, the following technical correction was made:

1. Page 40, line 24, "27" was changed to "30".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2304, the following technical corrections were made:

1. Page 31, line 31, "66" was changed to "69".
2. Page 31, line 34, "65" was changed to "68".
3. Page 32, lines 11 and 12, "IOWA BEER AND LIQUOR CONTROL DEPARTMENT" was deleted.
4. Page 39, line 13, "89" was changed to "91".
5. Page 40, line 25, "1[5,779,000]" was changed to "[15,779,000]".
6. Page 56, line 9, "110" was changed to "114".
7. Page 56, line 16, "110" was changed to "114".
8. Page 61, line 10, "107" was changed to "122".
9. Page 62, line 15, "84, 88, 98, and 102" were changed to "92, 98, 108, and 113"; and numbers were placed consecutively in this line.
10. Page 62, line 21, "89 and 100" were changed to "91 and 102".
11. Page 62, line 22, "94" was changed to "96".
12. Page 62, lines 21 and 22, "sections 91 and 102 of this Act, and in section 96 of this Act" were changed to "sections 91, 96 and 102 of this Act".

K. MARIE THAYER
Secretary of the Senate

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hultman moved that a committee be appointed to notify the Governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 138.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Gallagher and Deluhery.

COMMITTEE TO NOTIFY THE HOUSE

Senator Junkins moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 138.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Briles and Coleman.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Coleman reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gallagher reported that the committee appointed to notify the Governor that the Senate was ready to adjourn sine die had performed its duty and that the Governor had sent the following message:

The Honorable Terry Branstad
President of the Senate
Sixty-ninth General Assembly
State Capitol Building
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

Almost thirteen years ago, I submitted my first "end of the session" statement to an Iowa legislature. Today, as you adjourn the Second Session of the Sixty-ninth General Assembly, I submit my last such statement.

In 1969, I submitted to the legislature a comprehensive program which addressed major issues then facing the state and plotted a future for Iowa's growth. Likewise, in January of this year, I outlined to you a legislative program which responded to a broad range of present and future needs in our state. In 1982, as in 1969, the legislature is to be commended for enacting, with a few exceptions, much of my agenda into law.

But, there are limits to the similarities. The job of legislating and of governing was far different in 1969 than it is in 1982. The last year of the 1960s heralded a decade of unprecedented economic growth in Iowa and the nation. The first two years of the 1980s have seen the nation beset with a lingering economic recession, and here in Iowa we have felt its impact.

Thus, our task has not been to develop lots of new programs, but to set priorities, to further the efficiency of government, and to steer our state through stormy fiscal waters.

Ours has not been an easy task. It was not always easy to say "no" to new programs. It was not easy to reduce the state payroll by over 1,200, while maintaining the integrity of state services. It was not easy to find ways to plug the gaps left by lost federal funds. While none of this was easy, we met the test and, unlike people elsewhere, Iowans were spared a major tax increase.

This legislature faced the challenge of governing and the results must be termed a success for Iowans. Our budget balance is small, but we do have a balance—we are in the black. Iowans who need our help were provided for. And, we enhanced Iowa's ability to attract new jobs and economic growth when the economy starts to regain its strength.

The record of the 1982 legislature demonstrates that achievement and innovation are possible even during a time of economic frustration and uncertainty. That record can be examined in detail by reviewing the seven major priorities in my legislative program.

CREATING JOBS FOR IOWA WORKERS

The legislature acted wisely in quickly passing the job incentive tax reduction. The 70 percent real property tax reduction for new machinery and equipment, adoption of the accelerated depreciation schedule, and continuation of the personal property tax phaseout provides immediate and substantial incentives for Iowa businesses to expand, retool and to create new jobs. It also puts Iowa in the forefront in national competition to attract new businesses.

While I disagreed with the legislative decision to fund the unneeded IRA and Keogh tax breaks, I commend the legislature for making certain that the jobs tax package was balanced and affordable.

The legislature also responded to the need to create more Iowa jobs by enacting my small business bond program to aid small businesses starting up or expanding. The One-Step Permit Center and the Risk Capital Clearinghouse created in the Iowa Development Commission will help businesses work with government to create new jobs. And, the funding provided for industrial start-up training will assist Iowa workers to respond to the needs of new and expanding industries.

PROVIDING FOR IOWANS WHO NEED OUR HELP

Before the session began, many lawmakers feared that drastic program reductions or major tax increases would be needed to respond to federal budget cuts in many of our social programs. Indeed, we were faced with a \$12.5 million federal budget cut in Title XX and a \$28.5 million deficit in Medicaid as we began this year.

After completion of this session, you can take great pride in your response to those problems. You did not cut the eligibility of Iowans who need more help now during a recession than they did before. Instead, you trimmed costs by making Iowa's reimbursement system more efficient, and you set budget priorities to supplement these programs with almost \$34 million in state funds.

In addition, the legislature acted responsibly by:

- Expanding our energy weatherization program for low-income Iowans.
- Continuing the Ribicoff program which provides medical assistance for children of the working poor.
- Reinstating the unemployed-parent program with safeguards to make certain that recipients actively seek work and are provided with community service training, and
- Increasing the standard of need for Iowans by 15 percent.

Earlier this year, few would have thought this legislature would be able to meet these essential needs of Iowans within tight budget constraints. But, it was done, and I commend you for the excellent work.

OPENING NEW FRONTS IN WAR ON CRIME

With one major exception, this legislature responded well to the need for a crackdown on crime. I am pleased to see so many of the recommendations which grew out of last year's Governor's Conference on Crime Prevention adopted into law.

The drunk driving bill adopted this year is among the toughest in the nation. The ability to revoke the drivers license of drunk drivers should make our highways much safer for our law-abiding motorists.

The drug trafficking legislation enacted into law will give our good law enforcement officials new tools to thwart drug dealers. Drug fines will be stiffened, drug profits seized and counterfeit and look-alike laws outlawed.

I am also pleased with legislative action:

- Creating a Criminal Justice Improvement Fund to help local law enforcement officials fight crime.
- Toughening penalties for attempted and second degree murder.
- Creating an Office of Criminal Justice Analysis to coordinate and plan criminal justice activities.
- Establishing a victim compensation program to help persons least able to suffer the financial and physical losses associated with crime.

--Starting an elderly abuse reporting and support services system in Iowa.

--Taking the first steps to curb child abuse through pilot child abuse prevention programs.

These are noteworthy achievements. Also noteworthy was the failure to adopt a Classified Sentencing System. I had proposed such a system after considerable study by criminal justice experts. These experts found a need to make inmates earn good and honor time and to make our criminal sentencing more predictable by determining sentence length on the basis of the number and nature of prior convictions. This would result in placing most serious, repeat felons behind bars longer while shortening the sentences of first-time nonviolent offenders. While this concept enjoyed bipartisan support from House members who passed it twice, last hour political jockeying in the Senate prevented it from becoming law.

This failure blemishes an otherwise sterling criminal justice record by this legislature. It is imperative that the next General Assembly address this important issue early next year.

PROTECTING IOWA'S NATURAL RESOURCES

Iowa is among the nation's leaders in protecting our land and water resources. Yet, much more must be done, and this legislature took several significant steps to advance Iowa's leadership role.

You passed the nation's first state soil conservation loan program which will help stretch soil conservation dollars further. A land use bill, among the strongest in the nation, was finally enacted. This law will give counties the tools they need to begin to plan in earnest for our comprehensive land use needs. And, you passed a major water management and reorganization plan to place Iowa in the forefront of national efforts to come to grips with future water quality and quantity problems.

Other important steps taken by this legislature include:

--Reinstating our safe drinking water program.

--Providing passive solar property tax exemptions.

--Establishing water storage rights in federal reservoirs.

--Allowing Iowans to check off a portion of their tax refunds for nongame wildlife management.

--Providing property tax exemptions for wetlands, native prairie and other natural areas.

STREAMLINING STATE GOVERNMENT

Steps were also taken by this legislature to make state government even more efficient. Three separate historical units in state government have been consolidated

into one Historical Department. The Office for Planning and Programming has been restructured to more closely focus its purpose, and youth programs have been consolidated to maintain job opportunities for our youth despite federal budget cutbacks. And, the Valuable Ideas for Productivity (VIP) program was enacted into law.

Unfortunately, the legislature failed to consolidate state personnel functions this year. Personnel costs of state government can be contained by consolidating these functions and future legislatures should address this issue.

ASSISTING LOCAL GOVERNMENTS

This legislature also addressed the problems facing local governments by federal funding changes and increased demands for services. An Advisory Commission on Intergovernmental Relations was established, and counties were not left to make up for the loss of federal funds for social programs.

Yet, on three key issues this legislature's response to local problems was disappointing. First, local option tax authority should have been passed to allow local residents to determine whether they wish to levy a tax on themselves to provide for needed services. Second, the county finance bill would have given counties the flexibility they need to meet the challenges of modern government. And third, a court reorganization plan to relieve counties of the burden of administering the court system should have been adopted. These issues, too, will not go away. They should be promptly acted upon next year.

AIDING EDUCATION

Iowans are fortunate to live in a state that emphasizes quality education, and this legislature showed a renewed commitment to quality education, despite tight budgets.

--Local schools were given an additional \$28 million in state aid and authority to levy an unlimited cash reserve.

--Nonpublic transportation costs were fully funded.

--Merged area schools were provided funds to make 500 additional vocational-technical grants.

--Our Regents institutions received dollars for increased faculty and utilities and were allowed to retain the tuition increase. Unfortunately, a bonding plan for a much-needed new law school at the University of Iowa was discarded during the final hours of the session.

--Private colleges will be able to make 585 more tuition grants available to eligible students and a Higher Education Loan Authority was established to help cushion the impact of federal student aid cuts.

Thus, this legislature's record in creating jobs, providing for those who need help, cracking down on crime, protecting our natural resources, streamlining state government, assisting local governments, and increasing aid to education is impressive in both quantity and quality. And, there are other highlights, including:

--A responsible resolution to the gasohol subsidy question by extending while gradually phasing out the subsidy.

--Reducing lines at county treasurers' offices by requiring staggered vehicle registration.

--Continuing the Department of Substance Abuse and Energy Policy Council.

--Responding to the immediate needs of our unemployment trust fund by providing a mechanism to repay interest on any loans that may be needed.

--Reasonably increasing pension benefits for public employees, which, as modified by my item veto, will not mandate a contribution rate increase by financially strapped local governments.

Indeed, this legislature, for the most part, met the test of Iowa government as outlined by our first Governor, Ansel Briggs in 1850, and echoed by me in my first legislative program 13 years ago. That test is simple--that Iowa government "ever be distinguished for virtue, intelligence and prosperity."

By responding to the broad range of needs of Iowans during a time of budget constraints without raising taxes, the Sixty-ninth General Assembly acted with virtue and intelligence so Iowa's future prosperity will be secured.

Thank you and best regards.

Sincerely,
ROBERT D. RAY
Governor

The report was received and the committee discharged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 138, duly adopted, the day of April 24, 1982, having arrived, Senator Taylor declared the 1982 Regular Session of the Sixty-ninth General Assembly adjourned sine die.

AMENDMENTS FILED

**During The
Sixty-ninth General Assembly
1982 Regular Session**

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 Journal, the form is different from the original amendment. Words to be stricken are enclosed in brackets, and underlined words are printed in *italics*.

S-5001

- 1 Amend the House amendment, S-3904, to Senate File
- 2 474 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 8 through 14.

EDGAR H. HOLDEN

S-5002

- 1 Amend the House amendment, S-3903, to Senate File
- 2 522 as passed by the Senate as follows:
- 3 1. Page 1, by inserting after line 2 the following:
- 4 "____ Page 1, line 5, by striking the word "*shall*"
- 5 and inserting in lieu thereof the word "*may*"."
- 6 2. Page 1, by inserting after line 13 the following:
- 7 "____ Page 1, line 34, by striking the word "*shall*"
- 8 and inserting in lieu thereof the word "*may*"."

JOHN W. JENSEN

S-5003

- 1 Amend Senate File 144 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "licensees" the words "*for any act of malpractice*".
- 4 2. Page 2, line 4, by striking the word "*statute*"
- 5 and inserting in lieu thereof the word "*law*".

EDGAR H. HOLDEN

S-5004

- 1 Amend the House amendment, S-3904, to Senate File
- 2 474 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 6 and 7.

RAY TAYLOR

S-5005

- 1 Amend Senate amendment, S-3750, to Senate File
- 2 560 as follows:
- 3 1. Page 1, line 5, by striking the word "fifty"
- 4 and inserting in lieu thereof the words "one hundred".

GARY L. BAUGHER
RICHARD COMITO

S-5006

1 Amend Senate File 525 as follows:

2 1. Page 1, by striking line 25 through page 2,

3 line 16 and inserting in lieu thereof the following:

4 "Sec. 2. Section 453.1, Code 1981, as amended
5 by Acts of the Sixty-ninth General Assembly, 1981
6 Session, chapter 148, section 1, is amended to read
7 as follows:

8 453.1 DEPOSITS IN GENERAL. All funds held in
9 the hands of the following officers or institutions
10 shall be deposited in [banks] *one or more depositories*
11 first approved by the appropriate governing body as
12 indicated: For the treasurer of state, by the
13 executive council; for the county treasurer, recorder,
14 auditor, sheriff, clerk of the district court, and
15 judicial magistrate, by the board of supervisors;
16 for the city treasurer, by the city council; for the
17 county public hospital or merged are a hospital, by
18 the board of hospital trustees; for a memorial
19 hospital, by the memorial hospital commission; for
20 a school corporation, by the board of school directors.
21 However, the treasurer of state and the treasurer
22 of each political subdivision shall invest all funds
23 not needed for current operating expenses in time
24 certificates of deposit in [banks listed as] approved
25 depositories pursuant to this chapter or in investments
26 permitted by section 452.10. The list of public
27 depositories and the amounts severally deposited in
28 the depositories shall be a matter of public record.
29 [The term "bank" means a bank or a private bank, as
30 defined in section 524.103.] *As used in this chapter,*
31 *"depository" means a bank whose accounts are insured*
32 *by the federal deposit insurance corporation or a*
33 *savings and loan association whose accounts are insured*
34 *by the federal savings and loan insurance corporation."*

35 2. Page 3, by striking line 23 through page 4,
36 line 15 and inserting in lieu thereof the following:

37 "Sec. 6. Section 453.5, unnumbered paragraph 1,
38 Code 1981, as amended by Acts of the Sixty-ninth
39 General Assembly, 1981 Session, chapter 149, section
40 1, is amended to read as follows:

41 If the [duly] approved [banks] *depositories* will not
42 accept the deposits under the conditions prescribed
43 or authorized in this chapter, the funds may be
44 deposited, on the same or better terms as were offered
45 to the depositories, in *any approved bank or banks*
46 *one or more approved depositories* conveniently located
47 within the state.

48 Sec. 7. Section 453.6, Code 1981, as amended by
 49 Acts of the Sixty-ninth General Assembly, 1981 Session,
 50 chapter 39, section 2 and chapter 149, section 2,

Page 2

1 is amended to read as follows:
 2 453.6 INTEREST RATE. Public deposits shall be
 3 deposited with reasonable promptness in a depository
 4 legally designated as depository for the funds. A
 5 committee composed of the superintendent of banking,
 6 the auditor of state or a designee, and the treasurer
 7 of state shall meet on or about the first of each
 8 month or at other times as the committee may prescribe
 9 and by majority action shall establish a minimum rate
 10 to be earned on state funds placed in time deposits.
 11 State funds invested in [bank] time certificates of
 12 deposit shall draw interest at not less than the rate
 13 established, effective on the date of investment.
 14 An interest rate established by the committee under
 15 this section shall be in effect commencing on the
 16 eighth calendar day following the day the rate is
 17 established and until a different rate is established
 18 and takes effect. The committee shall give advisory
 19 notice of an interest rate established under this
 20 section. This notice may be given by publication
 21 in one or more newspapers, by publication in the Iowa
 22 administrative bulletin, by ordinary mail to persons
 23 directly affected, by any other method determined
 24 by the committee, or by a combination of these.
 25 Actions of the committee under this section are exempt
 26 from chapter 17A.
 27 Public funds invested in [bank] time certificates
 28 of deposit by a public body or officer other than
 29 the treasurer of state shall draw interest at rates
 30 to be determined by the public body or officer and
 31 the [bank] *depository*, which rates shall not be less
 32 than the minimum rate set under this section for state
 33 funds."

LUCAS J. DE KOSTER

S-5007

1 Amend Senate File 525 as follows:
 2 1. Page 5, by inserting after line 28 the follow-
 3 ing:
 4 "Sec. ____ Chapter 453, Code 1981, is amended
 5 by adding the following new section:
 6 *NEW SECTION.* Notwithstanding chapter 543, the

7 deposit of public funds in an association defined
8 in section 543.2 does not constitute being a
9 shareholder, stockholder or owner of a corporation
10 in violation of Article VIII of the Constitution of
11 the State of Iowa or any other provision of law.”
12 2. By numbering, renumbering, and correcting
13 internal references as are necessary.

LUCAS J. DE KOSTER

S-5008

1 Amend Senate File 579 as follows:
2 1. Page 1, line 22, by inserting after the word
3 “purpose” the words “, *or of any fair or exposition*
4 *held in the state, other than the Iowa state fair,*
5 *which is a member of the association of Iowa fairs,”.*
6 2. Title page, line 2, by inserting after the
7 number “419” the words “for certain fairs and
8 expositions held in the state and”.

RICHARD VANDE HOEF

S-5009

1 Amend Senate File 560 as follows:
2 1. Page 8, line 12, by striking the word “The”
3 and inserting in lieu thereof the words “After paying
4 one percent of the amount collected into the state
5 general fund to defray the cost of administration
6 by the department of revenue, the”.
7 2. Page 8, line 15, by inserting before the word
8 “amount” the word “remaining”.

RAY TAYLOR

S-5010

1 Amend Senate File 371 as follows:
2 1. Page 1, by striking lines 1 and 2 and inserting
3 in lieu thereof the following:
4 “Section 1. Chapter 331, division V, part IV,
5 Code 1981 Supplement, is amended by adding the
6 following new section:”.

JAMES E. BRILES

S-5011

1 Amend Senate File 460 as follows:
2 1. By striking everything after the enacting

3 clause and inserting in lieu thereof the following:
 4 "Section 1. Section 331.422, subsection 18, Code
 5 1981 Supplement, is amended to read as follows:
 6 18. For a local, nonprofit historical society
 7 organized under chapter 504 or 504A, not to exceed
 8 three cents per thousand dollars to be used [for] to
 9 *preserve and disseminate a knowledge of the history*
 10 *of the area to the general public, including but not*
 11 *limited to collecting and preserving historical*
 12 *materials, artifacts, places, and structures of the*
 13 *area, including repairing and maintaining buildings;*
 14 *maintaining a historical library and collections,*
 15 *including the construction, repair and maintenance*
 16 *of facilities necessary for exhibit s and displays;*
 17 *conducting historical studies and researches[,] ; issuing*
 18 *publications [,] ; and providing public lectures of*
 19 *historical interest[, and otherwise disseminating a*
 20 *knowledge of the history of the area to the general*
 21 *public]. The tax collected under this subsection shall*
 22 *not exceed five thousand dollars in a county with*
 23 *a population of less than thirty-five thousand, fifteen*
 24 *thousand dollars in a county with a population of*
 25 *thirty-five thousand or more but less than one hundred*
 26 *thousand, or twenty-five thousand dollars in a county*
 27 *with a population of one hundred thousand or more.*
 28 *If there are two or more nonprofit historical societies*
 29 *in the county, the board shall apportion the funds*
 30 *available under this subsection as it determines.*
 31 *The board shall require the historical society to*
 32 *submit to it a proposed budget including the amount*
 33 *of available funds and estimated expenditures, as*
 34 *a prerequisite to receiving funds under this*
 35 *subsection. A local historical society receiving*
 36 *funds under this subsection shall present to the board*
 37 *an annual report describing in detail its use of the*
 38 *funds received."*

JAMES E. BRILES

S-5012

1 Amend Senate File 454 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Section 331.902, subsection 3, 1981
 5 Code Supplement, is amended to read as follows:
 6 3. Each elective officer specified in subs ection
 7 1 shall make an [itemized, verified,] quarterly report
 8 to the board showing, *by type*, the fees collected
 9 during the preceding quarter. The officer shall

10 pay quarterly to the county treasury the fees and
11 charges collected during the preceding quarter, receive
12 duplicate receipts for the payment, and file one of
13 the receipts in the office of the auditor. The
14 officer shall note in the officer's fee book the date
15 and amount of each payment into the county treasury."

JAMES E. BRILES

S-5013

- 1 Amend Senate File 560 as follows:
2 1. Page 1, line 15, by striking the words "its
3 own motion or upon".
4 2. Page 1, line 20, by striking the words "its
5 motion or".
6 3. Page 1, line 24, by striking the words "its
7 own motion or upon".
8 4. Page 1, line 30, by striking the words "its
9 motion or".

ELVIE L. DREESZEN

S-5014

- 1 Amend Senate File 560 as follows:
2 1. Page 1, line 17, by striking the word "five"
3 and inserting in lieu thereof the word "fifteen".
4 2. Page 1, line 26, by striking the word "five"
5 and inserting in lieu thereof the word "fifteen".

ELVIE L. DREESZEN

S-5015

- 1 Amend Senate File 560 as follows:
2 1. Page 3, by striking lines 8 through 10.
3 2. Page 3, by inserting after line 26 the
4 following:
5 "___ Notwithstanding any other subsection of
6 this section, a city or county shall not propose or
7 impose a local option tax under sections 1 through
8 8 of this Act in any year during which a school
9 district located wholly or partly within that city
10 or county has in effect a school district income
11 surtax or an additional enrichment property tax."
12 3. By numbering and renumbering as necessary.

MICK LURA

S-5016

- 1 Amend Senate File 560 as follows:
2 1. Page 8, by inserting after line 19 the

3 following:

4 "Sec. ____ *NEW SECTION. CONFIDENTIALITY OF IN-*
5 *FORMATION.*

6 1. Information gained by a city or county treasurer
7 or other city or county official, agent, or employee
8 as a result of an investigation, hearing, or
9 verification required or authorized by local option
10 tax proceedings is confidential, except for official
11 purposes in connection with the administration of
12 the ordinance or resolution imposing the local option
13 tax and except in accordance with a proper judicial
14 order.

15 2. A person who divulges confidential information,
16 except for authorized official purposes or in
17 accordance with a proper judicial order is guilty
18 of a simple misdemeanor. In addition, an employee
19 of a city or county who divulges confidential
20 information in violation of this section is subject
21 to discharge for the violation."

22 2. By numbering, renumbering and correcting
23 internal references as necessary.

MICK LURA

S-5017

1 Amend Senate File 560 as follows:

2 1. Page 1, line 4, by inserting after the word
3 "supervisors" the words "not more than one of the".

4 2. Page 3, by striking lines 8 through 10.

5 3. By renumbering as necessary.

MICK LURA

S-5018

1 Amend Senate File 560 as follows:

2 1. Page 4, line 24, by striking the words "
3 crediting local" and inserting in lieu thereof the
4 words ". The county treasurer shall be allowed to
5 retain and pay into the the county general fund five
6 percent of the amount of tax collected by the treasurer
7 as a result of a local vehicle tax imposed by a city
8 located within the county. Local".

9 2. Page 4, line 25, by inserting after the word
10 "penalties" the words ", less the amount retained
11 by the county treasurer, shall be credited".

JAMES E. BRILES

S-5019

1 Amend Senate File 579 as follows:

2 1. Page 1, line 20, by inserting after the word
3 "products," the words "*or of any facility or*
4 *installation for the purpose of the generation of*
5 *hydroelectric power.*"

ARTHUR A. SMALL, JR.

S-5020

1 Amend Senate File 574 as follows:

2 1. Page 1, line 22, by inserting after the word
3 "transactions" the words ", except those subject to
4 paragraph c,".

5 2. Page 1, by striking line 34 through page 2,
6 line 3 and inserting in lieu thereof the following:

7 "c. That in transactions between persons, neither
8 of which is a retailer of vehicles subject to
9 registration, in which a vehicle subject to
10 registration is traded toward the purchase price of
11 another vehicle subject to registration, the purchase
12 price is only that portion of the purchase price
13 represented by the difference between the total
14 purchase price of the vehicle subject to registration
15 acquired and the amount of the vehicle subject to
16 registration traded."

17 3. Title page, by striking lines 3 through 5 and
18 inserting in lieu thereof the words "of tangible
19 personal property."

EDGAR H. HOLDEN

S-5021

1 Amend Senate File 560 as follows:

2 1. Page 6, line 22, by inserting after the words
3 "area and" the words "the city or unincorporated area
4 of the county where the individual taxpayer's principal
5 place of residence is located has imposed a local
6 earnings tax for the same tax year. "Nonresident
7 taxpayer" also means".

C.W. BILL HUTCHINS
BERL E. PRIEBE

S-5022

1 Amend Senate File 560 as follows:

2 1. Page 2, line 7, by striking the word "of".

3 2. Page 2, by striking lines 8 through 10.

4 3. Page 3, lines 12 and 13, by striking the words
5 "a local earnings tax,".

- 6 4. Page 3, lines 15 and 16, by striking the words
7 “, up to ten percent in increments of one percent
8 for an earnings tax.”
- 9 5. Page 3, line 19, by striking the words “,
10 earnings tax.”
- 11 6. Page 6, by striking lines 5 through 34.
- 12 7. Page 7, line 1, by striking the words “or
13 earnings tax”.
- 14 8. Page 7, line 3, by striking the words “or tax”.
- 15 9. Page 7, line 6, by striking the words “or
16 earnings tax”.
- 17 10. Page 7, line 10, by striking the words “or
18 earnings tax”.
- 19 11. Page 7, lines 12 and 13, by striking the words
20 “or earnings tax”.
- 21 12. Page 7, line 17, by striking the words “or
22 earnings tax”.
- 23 13. Page 7, lines 22 and 23, by striking the words
24 “or earnings tax”.
- 25 14. Page 7, line 24, by striking the words “or
26 earnings tax”.
- 27 15. Page 7, lines 27 and 28, by striking the words
28 “or earnings tax”.
- 29 16. Page 7 line 29, by striking the words “or
30 earnings tax”.
- 31 17. Page 7, line 32, by striking the words “or
32 earnings tax”.
- 33 18. Page 7, line 33, by striking the words “and
34 earnings tax” and inserting in lieu thereof the word
35 “surtax”.
- 36 19. Page 7, line 34, by striking the words “or
37 earnings tax”.
- 38 20. Page 8, line 2, by striking the words “or
39 earnings tax”.
- 40 21. Page 8, lines 8 and 9, by striking the words
41 “and earnings tax”.
- 42 22. Page 8, lines 14 and 15, by striking the words
43 “or earnings tax”.
- 44 23. Page 8, line 15, by striking the words “and
45 earnings tax” and inserting in lieu thereof the word
46 “surtax”.
- 47 24. Page 8, line 17, by striking the words “and
48 earnings tax”.
- 49 25. Title page, line 2, by striking the words
50 “, earnings tax.”

Page 2

- 1 26. By renumbering and correcting internal

2 references as necessary.

ROLF V. CRAFT

S-5023

1 Amend Senate amendment, S-3741, to Senate File
2 560 as follows:

3 1. Page 1, line 46, by inserting after the Roman
4 numeral "IV" the words "except that only the first
5 one thousand dollars of the gross receipts from a
6 sale or other transaction is subject to tax if the
7 purchaser is an individual whose principal place of
8 residence is located in a county in which a local
9 sales and services tax is not in effect at the time
10 of the sale or transaction and the purchaser provides
11 the retailer with the identification required by the
12 county imposing the tax".

13 2. Page 2, line 45, by inserting after the word
14 "passage." the words "The resolution shall specify
15 the type of identification needed by a nonresident
16 individual to get the exemption from tax on the excess
17 of the first one thousand dollars of the gross receipts
18 from a sale or other transaction."

C.W. BILL HUTCHINS
BERL E. PRIEBE

S-5024

1 Amend Senate File 560 as follows:

2 1. Page 2, lines 5 and 6, by striking the words
3 "ten percent, twenty percent, or" and inserting in
4 lieu thereof the words "in an increment of five percent
5 but not exceeding".

6 2. Page 3, lines 14 and 15, by striking the words
7 "ten percent, twenty percent or thirty percent" and
8 inserting in lieu thereof the words "up to thirty
9 percent in increments of five percent".

10 3. Page 5, lines 31 and 32, by striking the words
11 "is ten percent, twenty percent, or" and inserting
12 in lieu thereof the words "shall be in an increment
13 of five percent but not exceeding".

LUCAS J. DE KOSTER

S-5025

1 Amend Senate File 2080 as follows:

2 1. Page 3, line 3, by striking the word "a"
3 and inserting in lieu thereof the word "any".

ROLF V. CRAFT

S-5026

- 1 Amend Senate amendment, S-3750, to Senate File
- 2 560 as follows:
- 3 1. Page 1, by striking lines 24 and 25 and
- 4 inserting in lieu thereof the words and figures
- 5 "331.421, subsections 9 and 10, and 331.422,
- 6 subsections 12, 15, and 17, Code 1981 Supplement and
- 7 other sections".

DAVID M. READINGER

S-5027

- 1 Amend amendment, S-3741, to Senate File 560 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the Roman
- 4 numeral "IV" the words "except that the gross receipts
- 5 from the sale of farm machinery, the gross receipts
- 6 taxed under chapter 422A, and in all other cases, the
- 7 gross receipts in excess of the first one thousand
- 8 dollars of the gross receipts from the sale or other
- 9 transaction shall not be taxed".

ROLF V. CRAFT
 C.W. BILL HUTCHINS
 LOWELL L. JUNKINS
 DAVID M. READINGER

S-5028

- 1 Amend amendment S-3741 to Senate File 560 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after Roman
- 4 Numeral "IV" the words "except that the gross
- 5 receipts from the sale of computers as defined in
- 6 section 427A.1, paragraph j, and manufacturing
- 7 machinery and equipment as defined in section 427A.1,
- 8 paragraph e, shall not be taxed".

RAY TAYLOR

S-5029

- 1 Amend the amendment S-5006 to Senate File 525
- 2 as follows:
- 3 1. Page 1, line 34, by inserting after the word
- 4 "corporation" the words "*or credit union insured by*
- 5 *the National Credit Union Administration*".

TOM SLATER

S-5030

- 1 Amend the DeKoster amendment S-5007 to Senate File
- 2 525 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "section" the words "533.1 or".

TOM SLATER

S-5031

- 1 Amend amendment, S-3741, to Senate File 560 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the Roman
- 4 numeral "IV" the words "except that the gross receipts
- 5 taxed under chapter 422A, and in all other cases,
- 6 the gross receipts in excess of the first one thousand
- 7 dollars of the gross receipts from each separate sale
- 8 or other transaction shall not be taxed".

ROLF V. CRAFT
C.W. BILL HUTCHINS
LOWELL L. JUNKINS
DAVID M. READINGER**S-5032**

- 1 Amend Senate File 560 as follows:
- 2 1. Page 1, line 17, by striking the word "five"
- 3 and inserting in lieu thereof the word "ten".
- 4 2. Page 1, line 26, by striking the word "five"
- 5 and inserting in lieu thereof the word "ten".

ELVIE L. DREESZEN

S-5033

- 1 Amend amendment S-3742 to Senate File 560 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "fifty"
- 4 and inserting in lieu thereof the words "one hundred".

GARY L. BAUGHER

S-5034

- 1 Amend Senate File 560 as follows:
- 2 1. Page 4, line 30, by striking the word "Moneys"
- 3 and inserting in lieu thereof the words "Fifty percent
- 4 of the moneys".
- 5 2. Page 4, line 33, by inserting after the word

6 "county." the words "The remaining fifty percent of
7 the moneys received by a city or county shall provide
8 property tax relief as provided in section 50 of this
9 Act."

10 3. Page 8, line 17, by striking the word "Local"
11 and inserting in lieu thereof the words "Fifty percent
12 of the local".

13 4. Page 8, line 19, by inserting after the word
14 "tax." the words "The remaining fifty percent of the
15 moneys received by a city or county shall provide
16 property tax relief as provided in section 50 of this
17 Act."

18 5. Page 8, by inserting after line 19 the
19 following:

20 "Sec. 50. *NEW SECTION. PROPERTY TAX RELIEF.*

21 The financial officer of the city or the county
22 treasurer, as applicable, shall credit fifty percent
23 of the local vehicle tax, local income surtax, and
24 local earnings tax received to a special account for
25 property tax relief to be granted as provided in
26 subsection 1 for a city or subsection 2 for a county.

27 1. The moneys on deposit in the special account
28 of the city on July 1 shall be used to provide a
29 special property tax relief to all parcels of real
30 property taxable by the city. The county auditor
31 shall, upon request of the financial officer, certify
32 to the financial officer the number of parcels of
33 real property taxable by the city during the fiscal
34 year. The financial officer of the city shall divide
35 the total amount in the special account for property
36 tax relief on July 1 by the number of parcels of real
37 property taxable by the city during the fiscal year
38 to determine the pro rata amount of the special
39 property tax relief to be granted each parcel, except
40 that a parcel shall not receive relief in excess of
41 the property tax liability of the parcel which is
42 payable during the fiscal year. All such excess
43 relief shall be granted proportionately to the other
44 taxable parcels. The financial officer shall remit
45 the special property tax relief to the owners of the
46 taxable parcels in the manner prescribed by the
47 governing body of the city.

48 2. The moneys on deposit in the special account
49 of the county on July 1 shall be used to provide a
50 special property tax relief to all parcels of real

Page 2

1 property in the unincorporated area of the county

2 which are taxable by the county. The county auditor
 3 shall divide the total amount in the special account
 4 for property tax relief on July 1 by the number of
 5 parcels of real property in the unincorporated area
 6 of the county which is taxable by the county during
 7 the fiscal year to determine the pro rata amount of
 8 the special property tax relief to be granted each
 9 parcel, except that a parcel shall not receive relief
 10 in excess of the property tax liability of the parcel
 11 which is payable during the fiscal year. All such
 12 excess relief shall be granted proportionately to
 13 the other taxable parcels. The county treasurer shall
 14 remit the special property tax relief to the owners
 15 of the taxable parcels in the unincorporated area
 16 in the manner prescribed by the board of supervisors
 17 of the county."

18 6. By renumbering and correcting internal
 19 references.

BERL E. PRIEBE
 C. JOSEPH COLEMAN

S-5035

1 Amend amendment S-3742 to Senate File 560 as
 2 follows:
 3 1. Page 1, line 5, by striking the word "fifty"
 4 and inserting in lieu thereof the words "seventy-
 5 five".

STEPHEN W. BIENIUS
 RICHARD COMITO

S-5036

1 Amend Senate amendment, S-3742, to Senate File
 2 560 as follows:
 3 1. Page 1, by striking lines 13 through 20 and
 4 inserting in lieu thereof the following words
 5 "subsection for qualified homesteads. The county
 6 auditor and director of revenue shall, upon the request
 7 of the financial officer of the city, certify to the
 8 officer the number of qualified homesteads."
 9 2. Page 1, line 32, by striking the word "taxpayer"
 10 and inserting in lieu thereof the word "individual".
 11 3. Page 1, line 34, by inserting after the word
 12 "council." the words "For purposes of this subsection,
 13 the term "qualified homestead" means a homestead
 14 within the corporate limits of the city which qualifies
 15 to receive the homestead tax credit under section

16 425.1 in the fiscal year and a homestead within the
 17 corporate limits of the city for which a claim for
 18 reimbursement of rent constituting property taxes
 19 paid has been paid under section 425.19 for the
 20 preceding fiscal year."

21 4. Page 1, by striking lines 37 through 45 and
 22 inserting in lieu thereof the words "special homestead
 23 tax credit for qualified homesteads. The director
 24 of revenue shall certify to the county auditor the
 25 number of qualified homesteads of which the director
 26 is aware. The county auditor shall divide the total
 27 amount in the special account for property tax relief
 28 on July 1 by the number of qualified homesteads to
 29 determine the".

30 5. Page 2, line 3, by striking the word "taxpayer"
 31 and inserting in lieu thereof the word "individual".

32 6. Page 2, line 5, by inserting after the word
 33 "supervisors." the words "For purposes of this
 34 subsection, the term "qualified homestead" means a
 35 homestead within the unincorporated area of the county
 36 which qualifies to receive the homestead tax credit
 37 under section 425.1 in the fiscal year and a homestead
 38 within the unincorporated area of the county for which
 39 a claim for reimbursement of rent constituting property
 40 taxes paid has been paid under section 425.19 for
 41 the preceding fiscal year."

DAVID M. READINGER

S-5037

1 Amend amendment, S-5018, to Senate File 560 as
 2 follows:

3 1. Page 1, lines 5, 6 and 7, by striking the words
 4 "five percent of the amount of tax collected by the
 5 treasurer as a result of" and inserting in lieu thereof
 6 the words "thirty-five cents of the tax collected
 7 by the treasurer on each vehicle subject to".

LOWELL L. JUNKINS
 JAMES E. BRILES
 ELVIE L. DREESZEN

S-5038

1 Amend Senate File 367 as follows:

2 1. Page 1, line 5, by striking the word "accused"
 3 and inserting in lieu thereof the words "initially
 4 convicted".

5 2. Page 1, lines 16 and 17, by striking the words

AMENDMENTS FILED

1517

6 “, provided that the person is eventually convicted of
7 the crime and”.

8 3. Page 1, line 17, by striking the word “further”.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chair

S-5039

1 Amend amendment, S-5034, to Senate File 560 as
2 follows:

3 1. Page 1, line 32, by inserting after the word
4 “number” the words “, names of the owners, and addresses”.

BERL E. PRIEBE

S-5040

1 Amend Senate File 2031 as follows:

2 1. Page 1, line 9, by inserting after the word
3 “patrol” the words “, *not above the rank of trooper,*”.

CHARLES P. MILLER

S-5041

1 Amend House File 396 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 19, by striking the words “game
4 and”.

5 2. Page 1, line 19, by striking the word “Not”.

6 3. Page 1, line 20, by striking the words “less
7 than fifty percent of the”, and inserting in lieu
8 thereof the word “The”.

9 4. Page 1, line 21, by striking the word “shall”
10 and inserting in lieu thereof the word “may”.

JOE BROWN

S-5042

1 Amend the DeKoster amendment S-5024 to Senate
2 File 525 as follows:

3 1. Page 1, line 8, by inserting after the word
4 “section” the words “533.1 or”.

TOM SLATER

S-5043

1 Amend Senate File 2080 as follows:

2 1. Page 5, line 10, by inserting after the word
3 "than" the words "*two hundred*".

4 2. Page 5, line 29, by striking the words "less
5 than fifty dollars" and inserting in lieu thereof
6 the words "[less than] *two hundred fifty dollars or*
7 *less*".

TED ANDERSON

S-5044

1 Amend amendment, S-3742, to Senate File 560 as
2 follows:

3 1. Page 1, line 5, by striking the word "fifty"
4 and inserting in lieu thereof the words "seventy-five".

RICHARD COMITO

S-5045

1 Amend amendment, S-3742, to Senate File 560 as
2 follows:

3 1. Page 1, line 15, by striking the words "county
4 auditor" and inserting in lieu thereof the words
5 "appropriate county official".

6 2. Page 1, line 17, by inserting after the word
7 "number" the words ", the names of the owners and
8 addresses".

DAVID M. READINGER

S-5046

1 Amend Senate amendment, S-3742, to Senate File
2 560 as follows:

3 1. Page 1, by striking lines 13 through 20 and
4 inserting in lieu thereof the following words
5 "subsection for qualified homesteads. The appropriate
6 county official and director of revenue shall, upon
7 the request of the financial officer of the city,
8 certify to the officer the number of qualified
9 homesteads and the names of the owners and the
10 addresses of the qualified homesteads of which they
11 are aware."

12 2. Page 1, line 32, by striking the word "taxpayer"
13 and inserting in lieu thereof the word "individual".

14 3. Page 1, line 34, by inserting after the word
15 "council." the words "For purposes of this subsection,
16 the term "qualified homestead" means a homestead
17 within the corporate limits of the city which qualifies
18 to receive the homestead tax credit under section

19 425.1 in the fiscal year and a homestead within the
 20 corporate limits of the city for which a claim for
 21 reimbursement of rent constituting property taxes
 22 paid has been paid under section 425.19 for the
 23 preceding fiscal year.”

24 4. Page 1, by striking lines 37 through 45 and
 25 inserting in lieu thereof the words “special homestead
 26 tax credit for qualified homesteads. The director
 27 of revenue shall certify to the county auditor the
 28 number of qualified homesteads and the names of the
 29 owners and the addresses of the qualified homesteads
 30 of which the director is aware. The county auditor
 31 shall divide the total amount in the special account
 32 for property tax relief on July 1 by the number of
 33 qualified homesteads to determine the”.

34 5. Page 2, line 3, by striking the word “taxpayer”
 35 and inserting in lieu thereof the word “individual”.

36 6. Page 2, line 5, by inserting after the word
 37 “supervisors.” the words “For purposes of this
 38 subsection, the term “qualified homestead” means a
 39 homestead within the unincorporated area of the county
 40 which qualifies to receive the homestead tax credit
 41 under section 425.1 in the fiscal year and a homestead
 42 within the unincorporated area of the county for which
 43 a claim for reimbursement of rent constituting property
 44 taxes paid has been paid under section 425.19 for
 45 the preceding fiscal year.”

DAVID M. READINGER

S-5047

1 Amend amendment S-3742 to Senate File 560 as follows:

2 1. Page 1, line 6, by striking the word “earnings”
 3 and inserting in lieu thereof the word “vehicle”.

MICK LURA

S-5048

1 Amend Senate File 560 as follows:

2 1. Page 2, line 13, by inserting after the word
 3 “tax.” the words “The rate of a local alcohol and
 4 tobacco tax shall be two, three, four, or five percent
 5 as set by the governing body of the city or county
 6 seeking to impose the tax.”

7 2. Page 3, line 13, by inserting after the words
 8 “earnings tax,” the words “a local alcohol and tobacco
 9 tax,”.

10 3. Page 3, line 16, by inserting after the word

11 "tax," the words "two, three, four or five percent
12 for a local alcohol and tobacco tax,".

13 4. Page 3, line 19, by inserting after the words
14 "earnings tax," the words "alcohol and tobacco tax,".

15 5. Page 5, by inserting after line 25 the
16 following:

17 "Sec. ____ *NEW SECTION. LOCAL ALCOHOL AND TOBACCO*
18 *TAX.* A city or county may impose a local alcohol
19 and tobacco tax on the gross receipts from the sale
20 of alcoholic beverages, excluding beer, and from the
21 sale of cigarettes, cigars, and other tobacco products
22 which are taxed under chapter 422, division IV by
23 the state. The gross receipts from the sale, for
24 purposes of determining the amount of the local alcohol
25 and tobacco tax, does not include the amount of any
26 federal or state excise or gross receipts taxes.

27 Sec. ____ *NEW SECTION. ADMINISTRATION PAYMENT*
28 *TO LOCAL GOVERNMENTS.* A local alcohol and tobacco
29 tax shall be imposed January 1 following a favorable
30 election and the repeal of the tax shall be as of
31 December 31.

32 Local officials shall confer with the director
33 of the department of revenue for assistance in drafting
34 the ordinance or resolution imposing the tax. The
35 local officials may provide for the collection of
36 the tax by local officials or may provide for the
37 collection of the tax by the director of revenue at
38 the same time and manner as the director collects
39 the state gross receipts tax. If the director collects
40 the tax, including any penalties, it shall be deposited
41 in a "local alcohol and tobacco tax fund" in the
42 office of the treasurer. The director shall direct
43 the state comptroller to draw warrants on this fund
44 on July 1 and January 1 of each year and remit to
45 the city or county the amount credited to this fund
46 as a result of its local alcohol and tobacco tax.

47 Moneys received or collected by a city or county
48 as a result of the tax imposed may be spent for any
49 lawful purpose."

50 6. Title page, line 2, by inserting after the

Page 2

1 words "earnings tax," the words "alcohol and tobacco
2 tax,".

3 7. By numbering, renumbering, and correcting
4 internal references as necessary.

BERL E. PRIEBE
JOHN W. JENSEN

S-5049

- 1 Amend Senate File 525 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "agencies" the words "*except the small business*
- 4 *administration*".
- 5 2. Page 1, line 22, by inserting after the word
- 6 "stocks" the words "*or evidences of indebtedness*
- 7 *issued or guaranteed by the United States small*
- 8 *business administration*".
- 9 3. Page 5, line 15, by inserting after the word
- 10 "thereof" the words "*except the small business*
- 11 *administration*".

ARNE WALDSTEIN

S-5050

- 1 Amend Senate File 525 as follows:
- 2 1. Page 5, by inserting after line 28 the following
- 3 new section:
- 4 "Sec. ____ Chapter 543, Code 1981, is amended
- 5 by adding the following new section:
- 6 *NEW SECTION.* A credit union approved as a
- 7 depository of public funds under this chapter shall
- 8 be subject to the tax imposed under section 422.60
- 9 at the rate provided in 422.63 on all interest income
- 10 received from the deposit of public funds."

STEPHEN W. BISENIUS

S-5051

- 1 Amend the amendment, S-5050 to Senate File 525
- 2 as follows:
- 3 1. Page 1, line 4, by striking the figure "543"
- 4 and inserting in lieu thereof the figure "453".

STEPHEN W. BISENIUS

S-5052

- 1 Amend Senate File 525 as follows:
- 2 1. Page 5, by inserting after line 28 the following
- 3 new section:
- 4 "Sec. ____ Chapter 453, Code 1981, is amended
- 5 by adding the following new section:
- 6 *NEW SECTION.* It is the intent that public funds
- 7 shall only be invested in this state."

STEPHEN W. BISENIUS

S-5053

1 Amend Senate File 2080, as follows:

DIVISION S—5053A

2 1. Page 2, by inserting after line 7 the following:
3 "When the return is filed and the taxes withheld
4 have been paid in full on or before the due dates
5 prescribed in this section, the withholding agent
6 shall be allowed a credit or discount of two percent
7 of the taxes withheld. This credit or discount shall
8 be allowed the withholding agent for prompt payment
9 of the taxes withheld and as partial remuneration
10 for withholding the taxes, keeping the records, and
11 promptly filing the deposit forms and return as
12 required."

DIVISION S—5053B

13 2. Page 3, line 31, by striking the word
14 "subsection" and inserting in lieu thereof the word
15 "subsections".
16 3. Page 4, by inserting after line 2 the following:
17 "*NEW SUBSECTION.* For purposes of computing the
18 amount of tax due from the retailer under subsection
19 1, for each transaction in which the purchaser does
20 not pay the total gross receipts at the time of the
21 sale or performance of the service and the retailer
22 lists the transaction as an account receivable, the
23 tax due is computed on the gross receipts at the time
24 actually received by the retailer."

DIVISION S—5053C

25 4. Page 6, by inserting after line 17 the
26 following:
27 "Sec. ____ Section 422.52, Code 1981, is amended
28 by adding the following new subsection:
29 *NEW SUBSECTION.* When a return or deposit form
30 is filed and the taxes due are paid in full on or
31 before the due date prescribed in section 422.51,
32 the retailer shall be allowed a credit or discount
33 of a percentage of the sales tax paid. The percentage
34 of credit or discount is one percent for retailers
35 who collect more than four thousand dollars in tax
36 in a semi-monthly period or who file semi-monthly
37 deposit forms, two percent for retailers who collect
38 more than five hundred dollars in tax in one month

39 but not more than four thousand dollars in tax in
 40 a semi-monthly period and who file monthly deposit
 41 forms, and four percent for retailers who collect
 42 five hundred dollars or less in tax in one month.
 43 This credit or discount shall be allowed the retailer
 44 for prompt payment of the tax and as partial
 45 remuneration for collecting the tax, keeping the
 46 records, and promptly filing the deposit forms and
 47 returns required by this division."

48 5. By numbering, renumbering and correcting
 49 internal references as necessary.

LOWELL L. JUNKINS
 NORMAN G. RODGERS
 BERL E. PRIEBE
 WILLIAM D. PALMER
 ARTHUR A. SMALL, JR.
 BOB RUSH
 EMIL J. HUSAK
 PATRICK J. DELUHERY
 ALVIN V. MILLER
 DONALD V. DOYLE
 JAMES D. WELLS
 BASS VAN GILST
 BOB CARR
 C.W. BILL HUTCHINS
 JOE BROWN
 C. JOSEPH COLEMAN
 CHARLES P. MILLER
 TOM SLATER
 TED ANDERSON

S-5054

- 1 Amend Senate File 446 as follows:
 2 1. Page 1, line 7, by inserting after the word
 3 "purposes" the words ", dentists as licensed by law,
 4 or".
 5 2. Page 1, line 8, by striking the word "and".

COMMITTEE ON STATE GOVERNMENT
 JOHN N. NYSTROM, Chair

S-5055

- 1 Amend Senate File 2080 as follows:
 2 1. Page 1, line 14, by inserting after the words
 3 "more than" the words "one hundred".

C.W. BILL HUTCHINS

S-5056

- 1 Amend Senate File 2080 as follows:
 2 1. Page 6, by inserting after line 17 the
 3 following:
 4 "Sec. ____ Section 422.52, Code 1981, is amended
 5 by adding the following new subsection:
 6 *NEW SUBSECTION.* When a return or deposit form
 7 is filed and the taxes due are paid in full on or
 8 before the due date prescribed in section 422.51,
 9 a retailer who collects five hundred dollars or less
 10 in tax in one month shall be allowed a credit or
 11 discount of four percent of the sales tax paid. This
 12 credit or discount shall be allowed the retailer for
 13 prompt payment of the tax and as partial remuneration
 14 for collecting the tax, keeping the records, and
 15 promptly filing the deposit forms and returns required
 16 by this division."
 17 2. By numbering, renumbering and correcting
 18 internal references as necessary.

EMIL J. HUSAK

S-5057

- 1 Amend Senate File 312 as follows:
 2 1. Page 1, line 23, by striking the figure "1981"
 3 and inserting in lieu thereof the figure "1982".

DAVID M. READINGER

S-5058

- 1 Amend Senate File 367 as follows:
 2 1. Page 1, line 14, by striking the word "benfit"
 3 and inserting in lieu thereof the word "benefit".
]114 2. Page 1, line 27, by inserting after the period
 5 the following: "Costs of publication of this legal
 6 notice shall be paid from the escrow account."
 7 3. Page 2, line 4, by inserting after the word
 8 "the" the word "criminal".

LUCAS J. DE KOSTER

S-5059

- 1 Amend Senate File 2098 as follows:
 2 1. Page 6, by striking line 10.
 3 2. Page 20, by striking lines 8 through 12.
 4 3. Page 26, by striking line 6 through page 27,
 5 line 4, and inserting in lieu thereof the following:

6 "Sec. ____ Section 111A.4, subsection 2, Code
7 1981 Supplement, is amended to read as follows:
8 2. To acquire in the name of the county by gift,
9 purchase, lease, agreement, exchange or otherwise,
10 in fee or with conditions, suitable real estate within
11 or without the territorial limits of the county for
12 public museums, parks, preserves, parkways,
13 play grounds, recreation centers, forests, wildlife,
14 and other conservation purposes and for participation
15 in watershed, drainage, and flood control programs
16 for the purpose of increasing the recreational
17 resources of the county. The state conservation
18 commission, the county board of supervisors, or the
19 governing body of any city or village, upon request
20 of the county conservation board, may transfer to
21 the county conservation board for use as museums,
22 parks, preserves, parkways, playgrounds, recreation
23 centers, play fields, tennis courts, skating rinks,
24 swimming pools, gymnasiums, rooms for arts and crafts,
25 camps and meeting places, community forests, wildlife
26 areas, and other recreational purposes, any land and
27 buildings owned or controlled by the state conservation
28 commission or [such] *the* county or municipality and
29 not devoted or dedicated to any other inconsistent
30 public use. In acquiring or accepting land, due
31 consideration shall be given to its scenic, historic,
32 archaeological, recreational or other special features,
33 and land shall not be acquired or accepted unless,
34 in the opinion of the board [and the state conservation
35 commission], it is suitable or, in the case of exchange,
36 is suitable and of substantially the same value as
37 the property exchanged from the standpoint of its
38 proposed use. An exchange of property approved by
39 the county conservation board and the board of
40 supervisors is not subject to the provisions of] section
41 331.361, subsection 2.

42 Sec. ____ Section 111A.4, subsection 3, Code 1981,
43 is amended by striking the subsection.

44 Sec. ____ Section 111A.6, unnumbered paragraph
45 1, Code 1981 Supplement, is amended to read as follows:

46 Upon the adoption by a county of this chapter,
47 the county board of supervisors may appropriate an
48 amount of money [as provided in section 331.424,
49 subsection 3, paragraph "d",] *from the general fund*
50 *of the county to the county conservation fund, for*

2 *the state conservation commission, by agreement under*
3 *section 111.27, and for the payment of expenses*
4 *incurred by the county conservation board in carrying*
5 *out its powers and duties. The board, without approval*
6 *of the state appeal board, may temporarily transfer*
7 *unobligated moneys to the county conservation fund*
8 *in anticipation of or to match committed receipts*
9 *of federal funds from the heritage conservation and*
10 *recreation service, the moneys to be returned to the*
11 *general fund within five years or upon receipt of*
12 *federal funds, if that occurs first. The board of*
13 *supervisors may levy an annual tax [as provided in*
14 *section 331.422, subsection 6], in addition to all*
15 *other taxes, of not more than twenty-seven cents per*
16 *thousand dollars of the assessed value of all property*
17 *subject to taxation in the county, upon proper*
18 *certification by the county conservation board pursuant*
19 *to chapter 24, which tax shall be paid into the county*
20 *conservation fund, to be paid out upon requisition*
21 *of the county conservation board for the payment of*
22 *expenses incurred in carrying out the powers and*
23 *duties of the county conservation board. The board*
24 *of supervisors may authorize deferred payments for*
25 *land acquisition purchases not to exceed one-fourth*
26 *of the annual levy nor to extend over a period of*
27 *more than ten years. The county conservation board*
28 *shall not otherwise contract an obligation in excess*
29 *of the moneys immediately available for the purposes*
30 *of that obligation except for projects to be financed*
31 *from unobligated funds or committed federal or state*
32 *grants. The county conservation board is subject*
33 *to the contract letting procedures in section 331.341,*
34 *subsections 1, 2, and 4. Gifts, contributions and*
35 *bequests of money and rent, licenses, fees, charges,*
36 *and other revenue received by the county conservation*
37 *board shall be used for the purchase of property and*
38 *the payment of expenses incurred in carrying out the*
39 *activities of the board, except that moneys given,*
40 *bequeathed, or contributed upon specified trusts shall*
41 *be held and applied in accordance with the trust*
42 *specified. Upon request of the county conservation*
43 *board, the county board of supervisors may issue*
44 *general county purpose bonds for the purposes in*
45 *section 331.441, subsection 2, paragraph "c",*
46 *subparagraph (2), as provided in sections 331.442*
47 *and 331.444 to 331.449."*
48 4. Page 56, by striking lines 19 and 20.
49 5. By numbering and renumbering sections,
50 paragraphs, and subparagraphs and correcting internal

Page 3

1 references as needed.

C. JOSEPH COLEMAN
JOE BROWN

S-5060

1 Amend Senate File 312 as follows:
2 1. Page 1, line 18, by striking the words “, after
3 consultation with the energy policy council.”.

EDGAR H. HOLDEN

S-5061

1 Amend the Senate amendment, S-3203, to Senate File
2 396 as follows:
3 1. Page 1, line 20, by inserting after the word
4 “recordation.” the words “However, preparation and
5 recordation of the plat shall not be required unless
6 the survey was made for either of the following
7 purposes:
8 1. To correct boundary descriptions of surveyed
9 land.
10 2. To subdivide the land.”

EDGAR H. HOLDEN

S-5062

1 Amend Senate File 2095 as follows:
2 1. Page 2, line 34, by inserting after the word
3 “fund” the words “after first allocating to the road
4 use tax fund replacement funds for the amount of annual
5 tax revenue deficiency caused by the gasohol tax
6 preference created in section 324.3, subsection 4”.

RICHARD F. DRAKE

S-5063

1 Amend Senate File 312 as follows:
2 1. Page 1, by inserting after line 21 the
3 following:
4 “Sec. ____ *NEW SECTION*. The property tax revenues
5 lost to taxing districts as a result of the property
6 tax exemption granted in section 1 of this Act shall
7 be compensated for by the state in the amount and
8 manner provided in this section. By July 15 of each

9 fiscal year for which the property tax granted in
 10 section 1 of this Act applies, the county treasurer
 11 or in the case of a special charter city, the city
 12 treasurer shall submit a list to the state comptroller
 13 which constitutes a demand for payment of the lost
 14 property tax revenues. The list shall contain the
 15 identification of each parcel of property for which
 16 a property tax exemption under section 1 of this Act
 17 has been granted for the fiscal year, the property
 18 tax levy for the fiscal year which is applicable to
 19 that property, and the amount of revenue lost which
 20 is computed by multiplying the taxable value of the
 21 amount of the property tax exemption by the levy rate
 22 for the fiscal year which is applicable to the
 23 property. The state comptroller shall draw warrants
 24 on the general fund of the state to pay to the county
 25 and city treasurer the total amount of revenues lost
 26 as set forth in the list submitted to the state
 27 comptroller. This amount shall be paid by the
 28 comptroller in two equal installments at the same
 29 time as the payment for the homestead credits are
 30 paid. Upon receipt by the county treasurer of each
 31 payment, the county treasurer shall apportion the
 32 money to the several taxing districts, as provided
 33 by law, in the same manner as though the payment was
 34 paid by the owners of the property for which a property
 35 tax exemption under section 1 of this Act has been
 36 granted."

37 2. Title page, line 4, by inserting after the
 38 word "years" the words ", providing that the state
 39 reimburse the taxing districts for lost property tax
 40 revenues,".

41 3. By numbering and renumbering as necessary.

LOWELL L. JUNKINS
 BASS VAN GILST
 WILLIAM D. PALMER

S-5064

- 1 Amend the Goodwin amendment S-3203 to Senate File
- 2 396 as follows:
- 3 1. Page 1, by striking lines 33 through 39.

LUCAS J. DE KOSTER

S-5065

- 1 Amend the Senate amendment, S-3203, to Senate File
- 2 396 as follows:

- 3 1. Page 1, line 20, by inserting after the word
 4 "recordation." the words "However, preparation and
 5 recordation of the plat shall not be required unless
 6 the survey was made for either of the following
 7 purposes:
 8 1. To correct boundaries and descriptions of
 9 surveyed land.
 10 2. To subdivide the land."

EDGAR H. HOLDEN

S-5066

- 1 Amend Senate File 2110 as follows:
 2 1. Page 1, by striking line 16.

EMIL J. HUSAK

S-5067

- 1 Amend Senate File 2100 as follows:
 2 1. Page 1, line 21, by inserting after the figure
 3 "387.9" the words and figures "*which are in effect*
 4 *on July 1, 1982*".
 5 2. Page 1, line 28, by inserting after the figure
 6 "387.9" the words and figures "*which are in effect*
 7 *on July 1, 1982*".
 8 3. Page 2, line 11, by inserting after the figure
 9 "387.9" the words and figures "*which are in effect*
 10 *on July 1, 1982*".
 11 4. Page 2, line 18, by inserting after the figure
 12 "387.9" the words and figures "*which are in effect*
 13 *on July 1, 1982*".
 14 5. Page 3, line 2, by inserting after the figure
 15 "387.9" the words and figures "*which are in effect*
 16 *on July 1, 1982*".
 17 6. Page 3, line 9, by inserting after the figure
 18 "387.9" the words and figures "*which are in effect*
 19 *on July 1, 1982*".
 20 7. Page 3, line 27, by inserting after the figure
 21 "387.9" the words and figures "*which are in effect*
 22 *on July 1, 1982*".
 23 8. Page 3, line 28, by inserting after the figure
 24 "1043.5" the words and figures "*which are in effect*
 25 *on July 1, 1982*".

JOHN W. JENSEN

HOUSE AMENDMENT TO SENATE JOINT RESOLUTION 6

S-5068

- 1 Amend Senate Joint Resolution 6, as passed by the

2 Senate, as follows:

3 1. Page 1, by striking lines 6 through 8 and
 4 inserting in lieu thereof the following:
 5 "NEW SECTION. The general assembly may nullify
 6 an adopted administrative rule of a state agency by
 7 the passage of a resolution by a majority of all of
 8 the members of each house of the general assembly."

S-5069

1 Amend Senate File 2098 as follows:

2 1. Page 50, by inserting after line 4 the
 3 following:
 4 "Sec. ____ Section 358.5, Code 1981, is amended
 5 to read as follows:
 6 358.5 HEARING OF PETITION AND ORDER. The board
 7 of supervisors to whom the petition is addressed shall
 8 preside at the hearing provided for in section 358.4
 9 and shall continue the [same] *hearing* in session, with
 10 adjournments from day to day, if necessary, until
 11 completed, without being required to give any further
 12 notice [thereof]. Proof of the residence and
 13 qualification of the petitioners as eligible electors
 14 shall be made by affidavit or otherwise as the board
 15 may direct. [Said] *The board* [shall have power and
 16 authority to] *may* consider the boundaries of [any such]
 17 *the* proposed sanitary district, whether [the same] *they*
 18 shall be as described in [such] *the* petition or
 19 otherwise, and for that purpose may alter and amend
 20 [such] *the* petition and limit or change the boundaries
 21 of the proposed district as stated in the petition.
 22 *The board shall adjust the boundaries of a proposed*
 23 *district as needed to eliminate from the proposed*
 24 *district any agricultural land outside of cities.*
 25 The boundaries of any proposed district shall not
 26 be changed to incorporate [therein any] property not
 27 included in the original petition and published notice
 28 until the [owner or] owners of [said] *the* property [shall
 29 be] *are* given notice [thereof] as on the original hearing.
 30 All persons in [such] *the* proposed district shall have
 31 an opportunity to be heard touching the location and
 32 boundaries of the proposed district and to make
 33 suggestions regarding [the same,] *the location and*
 34 *boundaries* and [said] *the* board of supervisors, after
 35 hearing the statements, evidence and suggestions made
 36 and offered at the hearing, shall enter an order
 37 fixing and determining the limits and boundaries of
 38 [such] *the* proposed district and directing that an
 39 election be held for the purpose of submitting to

40 the qualified electors resident within the boundaries
41 of the proposed district the question of organization
42 and establishment of the proposed sanitary district
43 as determined by [said] *the* board of supervisors. The
44 order shall fix a date for the election not more than
45 sixty days after the date of the order, establish
46 voting precincts within the proposed district and
47 define their boundaries and specify the polling places
48 therein as in the board's judgment will best serve
49 the convenience of the voters, and shall appoint from
50 residents of the proposed district three judges and

Page 2

1 two clerks of election for each voting precinct
2 established. It [shall] *is* not [be] mandatory for the
3 county commissioner of elections to conduct an election
4 held pursuant to this section, but it shall be
5 conducted in accordance with [the provisions of] chapter
6 49 where not in conflict with this chapter."

7 2. By renumbering sections and correcting internal
8 references as needed.

C. JOSEPH COLEMAN

S-5070

1 Amend Senate File 2098 as follows:

2 1. Page 50, by inserting after line 4 the

3 following:

4 "Sec. ____ Section 358.18, unnumbered paragraph
5 1, Code 1981, is amended to read as follows:

6 The board of trustees of any sanitary district
7 organized under this chapter [shall have the power]
8 *may* by ordinance [to] levy annually for the purpose
9 of paying the administrative costs of [such] *the*
10 district, or for the payment of deficiencies in special
11 assessments, or for both, a tax upon property within
12 the territorial limits of [such] *the* sanitary district
13 not exceeding fifty-four cents per thousand dollars
14 of the adjusted taxable valuation of the property
15 within [such] *the* district for the preceding fiscal
16 year. *However, in a district formed after July 1,*
17 *1980, agricultural land outside of cities is not*
18 *subject to this tax, shall not be included in the*
19 *adjusted taxable valuation of property within the*
20 *district, and is not eligible for services furnished*
21 *by the district unless the district establishes rates*
22 *under section 358.20 which compensate, in the opinion*
23 *of the board of trustees, for the exemption from taxes*

24 *accorded to the agricultural land, or unless the owner*
 25 *of agricultural land files with the board of trustees*
 26 *a written request to be taxed and be eligible for*
 27 *services of the district in the same manner as other*
 28 *land within the district."*
 29 2. By renumbering sections and correcting internal
 30 references as necessary.

C. JOSEPH COLEMAN

S-5071

1 Amend Senate File 2134 as follows:
 2 1. Page 1, by inserting after line 30 the
 3 following:
 4 "Sec. ____ Chapter 321E, Code 1981, is amended
 5 by adding the following new section:
 6 **NEW SECTION. ANNUAL TRIP PERMITS FOR TRAILERS.**
 7 The department and local authorities may, upon
 8 application, issue annual trip permits for the movement
 9 of two trailers attached together and drawn by a motor
 10 truck with a combined overall length not to exceed
 11 eighty-five feet for the movement of the trailers
 12 from the place of manufacture or assembly in the state
 13 to a retail dealer's place of business in the state.
 14 The movement of the trailers shall be over the most
 15 direct route on roadways of at least twenty-four feet
 16 in width or on four-lane highways and shall display
 17 the special plates designated in section 321.57.
 18 Trailers moved under this section shall not contain
 19 load or freight. Vehicles or combinations of vehicles
 20 shall be distinctly marked on the front and rear to
 21 indicate that the vehicles or combination of vehicles
 22 are being moved for delivery or transfer purposes
 23 only. Permits issued under this section shall be
 24 carried in the motor truck towing the combination
 25 of two trailers and shall be available for inspection
 26 by peace officers or department personnel at all
 27 times."
 28 2. Title, line 10, by adding after the word "axle"
 29 the words "and providing for an annual trip permit
 30 for trailers".

ARTHUR L. GRATIAS
 C.W. BILL HUTCHINS
 RICHARD F. DRAKE

HOUSE AMENDMENT TO SENATE FILE 397

S-5072

1 Amend Senate File 397 as passed by the Senate as

2 follows:

3 1. Page 1, line 7, by inserting after the word
4 "recorder" the words "and the county auditor".

5 2. Page 1, lines 8 and 9, by striking the words
6 "The recorder shall notify the county auditor of the
7 transfer."

8 3. Page 1, by striking line 15 and inserting in
9 lieu thereof the following:

10 "633.480 CERTIFICATE TO COUNTY AUDITOR *AND COUNTY*
11 *RECORDER FOR TAX*".

12 4. Page 1, line 17, by inserting after the word
13 "report" the words and figures "*or after discharge*
14 *as provided in section 633.479*".

15 5. Page 1, line 22, by striking the word "[auditor]"
16 and inserting in lieu thereof the words "auditor *and*
17 *the county*".

18 6. Page 1, lines 23 and 24, by striking the words
19 "*The recorder shall notify the county auditor of the*
20 *transfer*".

21 7. Page 1, by striking line 27 and inserting in
22 lieu thereof the following:

23 "633.481 CERTIFICATE TO COUNTY AUDITOR *AND COUNTY*
24 *RECORDER FOR TAX*".

25 8. Page 1, line 31, by striking the word "[auditor]"
26 and inserting in lieu thereof the words "auditor *and*
27 *the county*".

28 9. Page 1, lines 34 and 35, by striking the words
29 "*The county recorder shall notify the county auditor*
30 *of the transfer*".

S-5073

1 Amend Senate File 2100 as follows:

2 1. Page 1, line 21, by striking the figure "387.9"
3 and inserting in lieu thereof the words and figures
4 "387.3 and sec. 387.9 as published in the federal
5 register on June 11, 1981".

6 2. Page 1, line 27, by striking the figure "387.9"
7 and inserting in lieu thereof the words and figures
8 "387.3 and sec. 387.9 as published in the federal
9 register on June 11, 1981".

10 3. Page 2, line 11, by striking the figure "387.9"
11 and inserting in lieu thereof the words and figures
12 "387.3 and sec. 387.9 as published in the federal
13 register on June 11, 1981".

14 4. Page 2, line 18, by striking the figure "387.9"
15 and inserting in lieu thereof the words and figures
16 "387.3 and sec. 387.9 as published in the federal
17 register on June 11, 1981".

- 18 5. Page 3, line 2, by striking the figure "387.9"
 19 and inserting in lieu thereof the words and figures
 20 "387.3 and sec. 387.9 as published in the federal
 21 register on June 11, 1981".
 22 6. Page 3, line 9, by striking the figure "387.9"
 23 and inserting in lieu thereof the words and figures
 24 "387.3 and sec. 387.9 as published in the federal
 25 register on June 11, 1981".
 26 7. Page 3, line 27, by striking the figure "387.9"
 27 and inserting in lieu thereof the words and figure
 28 "387.3 and sec. 387.9 as published in the federal
 29 register on June 11, 1981".
 30 8. Page 3, line 28, by inserting after the figure
 31 "1043.5" the words "as published in the federal
 32 register on June 11, 1981".

JOHN W. JENSEN

S-5074

- 1 Amend Senate File 2100 as follows:
 2 1. Page 1, line 16, by striking the word "twenty-
 3 five" and inserting in lieu thereof the words "[twenty-
 4 five] one hundred".
 5 2. Page 1, line 18, by striking the word "fifty"
 6 and inserting in lieu thereof the words "[fifty] three
 7 hundred".
 8 3. Page 2, line 6, by striking the word "twenty-
 9 five" and inserting in lieu thereof the words "[twenty-
 10 five] one hundred".
 11 4. Page 2, line 7, by striking the word "fifty"
 12 and inserting in lieu thereof the words "[fifty] three
 13 hundred".
 14 5. Page 2, line 33, by striking the word "one"
 15 and inserting in lieu thereof the words "[one] three".

JOHN W. JENSEN
 BOB RUSH
 JAMES V. GALLAGHER

S-5075

- 1 Amend Senate File 446 as follows:
 2 1. Page 1, line 6, by striking the words "treasurer
 3 of state" and inserting in lieu thereof the words
 4 "department of revenue".
 5 2. Page 1, line 12, by striking the words
 6 "treasurer of state" and inserting in lieu thereof
 7 the words "department of revenue".
 8 3. Page 1, line 13, by striking the word

9 "treasurer" and inserting in lieu thereof the words
10 "director of revenue".

11 4. Page 1, by striking line 30, and inserting
12 in lieu thereof the words "application to the director
13 of revenue. The fees from a license shall be paid
14 to the department of revenue."

15 5. Page 2, line 3, by striking the words "treasurer
16 of state" and inserting in lieu thereof the words
17 "department of revenue".

18 6. Page 2, lines 20 and 21, by striking the words
19 "treasurer of state" and inserting in lieu thereof
20 the words "department of revenue".

21 7. Page 3, line 7, by striking the words "treasurer
22 of state" and inserting in lieu thereof the words
23 "department of revenue".

A.R. BUD KUDART

S-5076

1 Amend House File 828, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 64.6, subsection 19, Code
6 1981, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 19. Executive director of the state historical
9 department, one thousand dollars.

10 Sec. 2. Section 303.1, Code 1981, is amended by
11 striking the section and inserting in lieu thereof
12 the following:

13 303.1 ESTABLISHMENT OF DEPARTMENT. There is
14 established the Iowa state historical department.

15 There is established a state historical board
16 consisting of seven members appointed by the governor,
17 subject to senate confirmation. The members shall
18 include the following:

19 1. One member who is an historian employed by
20 an institution of higher learning under the control
21 of the state board of regents.

22 2. One member who is an historian employed by
23 an institution of higher learning not under the control
24 of the state board of regents.

25 3. One member who is a professionally-employed
26 archaeologist.

27 4. Two members selected from recommendations of
28 officers of the state historical society.

29 5. Two members who represent the general public.
30 The duties of the board are prescribed in section

31 303.6.

32 The term of office of members of the board shall
33 commence and end as provided in section 69.19 and
34 shall be three years.

35 Sec. 3. Section 303.2, unnumbered paragraph 1,
36 Code 1981, is amended to read as follows:

37 The state historical board shall annually elect
38 a [chairman] *chairperson* and vice [chairman] *chairperson*
39 from its membership, and the *executive* director [of
40 the division of historical museum and archives] shall
41 serve as secretary to the board. The board shall
42 meet as often as deemed necessary, upon the call of
43 the [chairman and vice chairman] *chairperson*, or at
44 the request of a majority of the members of the board.

45 Sec. 4. Section 303.3, Code 1981, is amended by
46 striking the section and inserting in lieu thereof
47 the following:

48 303.3 EXECUTIVE DIRECTOR. The governor shall
49 appoint an executive director, subject to confirmation
50 by the senate, from recommendations submitted by the

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1 board. The governor shall appoint the executive
2 director on the basis of professional training and
3 ability to administer the duties of the department
4 and without regard to political affiliation.

5 The executive director shall serve a three-year
6 term of office commencing and ending as provided in
7 section 69.19.

8 The salary of the executive director shall be set
9 by the general assembly.

10 Sec. 5. Section 303.4, Code 1981, is amended to
11 read as follows:

12 303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.

13 The state historical board shall establish rules for
14 membership of the general public in the state
15 historical society, including rules relating to
16 membership fees. Members shall be persons who indicate
17 an interest in the history, progress, and development
18 of the state and who pay the prescribed fee. The
19 members of the state historical society may meet at
20 least one time per year to further the understanding
21 of the history of this state. [The election of members
22 of the state historical board, as provided in section
23 303.1, shall be by mailed ballot as provided in bylaws
24 adopted by the society and approved by the state
25 historical board.] The society may elect officers,
26 and the *executive* director [of the division] of the

27 state historical [society] *department, or the executive*
28 *director's designee*, shall serve as secretary to the
29 society. The officers of the society shall not
30 determine policy for the [division of the] state
31 historical [society] *department* but may perform functions
32 to stimulate interest in the history of this state
33 among the general public. The society may perform
34 other activities related to history which are not
35 contrary to [the provisions of] this chapter, subject
36 to the approval of the *state historical board*.

37 1. [It is the intent of the general assembly that,
38 as] *As* used in this chapter, "state historical society"
39 means [only] the [division of the] Iowa state historical
40 [department] *society*, an agency [solely] of the state[,
41 which is denominated the division of the state
42 historical society] *located in Iowa City*. It does
43 not mean or include any private entity.

44 [2. A corporation organized under the laws of this
45 state shall not exercise any powers or duties
46 exercisable by law by the Iowa state historical
47 department and its divisions. If a corporation
48 exercises or attempts to exercise these powers or
49 duties, it shall be subject to an equitable suit for
50 involuntary dissolution by any interested person.]

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1 [3.] 2. Unless [specifically] designated otherwise,
2 [any] a gift, bequest, devise, endowment, or grant to
3 or application for membership in the state historical
4 society shall be presumed to be to or in the [division
5 of the] state historical society of the Iowa state
6 historical department.

7 Sec. 6. Section 303.5, Code 1981, is amended by
8 striking the section and inserting in lieu thereof
9 the following:

10 303.5 POWERS AND DUTIES OF EXECUTIVE DIRECTOR.

11 The executive director of the Iowa state historical
12 department shall:

13 1. Develop a comprehensive, coordinated, and
14 efficient policy to preserve, research, interpret,
15 and promote to the public an awareness and
16 understanding of local, state, and regional history.

17 2. Organize the activities of the department to
18 provide for the following: archives, museum, library
19 services, historical society, research and publication,
20 historic preservation, microfilming, and public
21 services.

22 3. Administer and care for the historical building,

- 23 the centennial building, Montauk, Toolsboro mounds,
 24 the Gardner cabin, and other sites under the authority
 25 of the department, and maintain collections within
 26 these buildings.
- 27 4. Coordinate the activities of the department
 28 with federal, state, and local agencies.
- 29 5. Encourage and assist local county and state
 30 organizations and museums devoted to historical
 31 purposes.
- 32 6. Employ necessary personnel under chapter 19A.
- 33 7. Administer the archives of the state as defined
 34 in section 303.12.
- 35 8. Serve as or appoint the state historic
 36 preservation officer, certified by the governor
 37 pursuant to federal requirements.
- 38 9. Develop, implement, and publicize a uniform
 39 system of marking state historical, archeological,
 40 geological, and legendary sites.
- 41 10. Administer, preserve, and inventory the
 42 monuments, memorials, and works of art on the grounds
 43 and in the buildings at the seat of government in
 44 consultation with the Iowa state arts council and
 45 the capitol planning commission, and make
 46 recommendations annually to the appropriate officer
 47 or board.
- 48 11. Collect, preserve, organize, classify,
 49 interpret, and exhibit materials relevant to the
 50 archeology and history of the state and region.

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- 1 Duties prescribed under this subsection will not
 2 affect the duties of the state archaeologist as defined
 3 in chapter 305A.
- 4 12. Publish matters of historical value to the
 5 public, and pursue historical, architectural, and
 6 archaeological research and development which may
 7 include but shall not be limited to continuing surveys,
 8 excavation, scientific recording, interpretation,
 9 and publication of the historical, architectural,
 10 archaeological, and cultural sites, buildings, and
 11 structures in the state.
- 12 13. Coordinate the activities of, and provide
 13 technical and financial assistance if federal funds
 14 are available, to local historical preservation
 15 commissions and private parties in accordance with
 16 the state plan and programs for historic preservation.
- 17 14. Identify and document historic properties.
- 18 15. Prepare and maintain a state register of

19 historic places, including those listed on the national
20 register of historic places.

21 16. Develop standards and criteria for the
22 acquisition of historic properties and for the
23 preservation, restoration, maintenance, operation,
24 and interpretation of properties under the jurisdiction
25 of the state historical department.

26 17. Perform other duties imposed by law or
27 prescribed by rules of the board.

28 Sec. 7. Section 303.6, Code 1981, is amended by
29 striking the section and inserting in lieu thereof
30 the following:

31 303.6 BOARD POWERS AND DUTIES. The state
32 historical board shall:

33 1. Adopt a comprehensive, coordinated, and
34 efficient policy to preserve, research, interpret,
35 and promote to the public an awareness and
36 understanding of local, state, and regional history.

37 2. Have authority to acquire by fee simple title
38 historic properties by gift, purchase, devise, or
39 bequest; preserve, restore, transfer, and administer
40 historic properties; and charge reasonable admission
41 to historic properties.

42 3. Adopt rules under chapter 17A for the effective
43 and efficient operation of the department.

44 4. Maintain research centers in Des Moines and
45 Iowa City.

46 5. Have authority to enter into appropriate
47 agreements with the university of northern Iowa, the
48 state university of Iowa, Iowa state university of
49 science and technology, or an accredited private
50 institution as defined in section 261.9 to establish

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1 multi-county area research centers, which are in
2 addition to but do not duplicate archives as defined
3 in section 303.12. An area research center shall
4 serve as the depository for the archives of counties
5 and cities and for other unpublished original resource
6 material of a given area to be designated in the
7 agreement.

8 6. Control all property of the department.

9 7. Authorize the loan of historical materials
10 and artifacts for display and research at suitable
11 locations within the state.

12 8. Advise the director with respect to the
13 policies, programs, and procedures of the department.

14 9. Approve the state preservation plan submitted

15 by the state historic preservation officer.

16 10. Establish rules for membership in the state
17 historical society, including rules relating to
18 membership fees.

19 11. Submit biennially to the governor, through
20 the board chairperson, a report of the activities
21 of the department, and an evaluation of the department,
22 its programs, and policies.

23 12. Perform other functions prescribed by law
24 to further historically-related matters in the state.

25 Sec. 8. Section 303.9, Code 1981, as amended by
26 Acts of the Sixty-ninth General Assembly, 1981 Session,
27 chapter 10, section 11, is amended to read as follows:

28 303.9 FUNDS RECEIVED BY STATE HISTORICAL
29 DEPARTMENT.

30 1. All funds received by the state historical
31 department, including but not limited to gifts,
32 endowments, funds from the sale of memberships in
33 the state historical society, *funds from the sale*
34 *of mementos and other items relating to Iowa history*
35 *as authorized under subsection 2, interest generated*
36 *by the life membership trust fund, and fees, except*
37 *entrance fees for the Montauk governor's mansion,*
38 *shall be credited to the account of the state*
39 *historical department and are appropriated to the*
40 *state historical department to be invested or used*
41 *for programs and purposes under the authority of the*
42 *state historical board. Interest earned on funds*
43 *credited to the department, except funds appropriated*
44 *to the department from the general fund of the state,*
45 *shall be credited to the department. Section 8.33*
46 *does not apply to funds credited to the state*
47 *historical department under this section.*

48 2. *The department may sell mementos and other*
49 *items relating to Iowa history and historic sites*
50 *on the premises of property under control of the*

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1 *department and at the state capitol. The department*
2 *is not a retailer under chapter 422 and the sale of*
3 *such items is not a retail sale under chapter 422*
4 *and is exempt from the sales tax.*

5 Sec. 9. Section 303.11, unnumbered paragraph 1,
6 Code 1981, is amended to read as follows:

7 The state historical board may accept gifts and
8 bequests which shall be used in accordance with the
9 desires of the donor if expressed. Funds contained
10 in an endowment fund for either the department of

11 history and archives or the state historical society
12 existing on July 1, 1974 shall remain an endowment
13 of [either the division of historical museum and
14 archives or the division of the state historical
15 society] *the department*. [After July 1, 1974, gifts]
16 *Gifts* shall be accepted only on behalf of the state
17 historical department, *and gifts to a division, branch,*
18 *or section of the department are presumed to be gifts*
19 *to the department*. [Funds in an endowment fund may
20 be invested by the state historical board.]

21 Sec. 10. Section 303.12, Code 1981, is amended
22 to read as follows:

23 303.12 ARCHIVES. Archives means those documents,
24 books, papers, photographs, sound recordings, or
25 similar material produced or received pursuant to
26 law in connection with official government business,
27 which no longer have administrative, legal, or fiscal
28 value to the office having present custody of them,
29 and which have been appraised by the *executive* director
30 of the [historical museum and archives] *state historical*
31 *department* as having sufficient historical, research,
32 or informational value to warrant permanent
33 preservation. The *executive* director of the [division
34 of historical museum and archives] *state historical*
35 *department* is the trustee and custodian of the archives
36 of Iowa, except that archives do not include county
37 or municipal archives unless they are voluntarily
38 deposited with the *executive* director with the written
39 consent of the *executive* director. The *executive*
40 director shall prescribe rules for the systematic
41 arrangement of archives as to the proper labeling
42 to indicate the contents and order of filing and the
43 archives must be [so] labeled before the archives may
44 be transferred to the *executive* director's custody.

45 Sec. 11. Section 303.13, Code 1981, is amended
46 to read as follows:

47 303.13 TRANSFER OF ARCHIVES. The [several] state,
48 executive, and administrative departments, officers
49 or offices, councils, boards, bureaus, and commissions,
50 may transfer and deliver to the state historical

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1 department archives as defined in section 303.12 and
2 as prescribed in the records management manual.
3 Before transferring archives, the office of present
4 custody shall file with the *executive* director a
5 classified list of the archives being transferred
6 [made] in [such] detail as the *executive* director [shall

7 prescribe] *prescribes*. If the *executive* director,
8 on receipt of the list, and after consultation with
9 the chief executive of the office filing the classified
10 list or with a representative designated by the
11 executive, [shall find] *finds* that, according to the
12 records management manual, certain classifications
13 of the archives listed are not of sufficient
14 historical, legal or administrative value to justify
15 permanent preservation, the *executive* director shall
16 not accept the material for deposit in the state
17 archives.

18 Sec. 12. Section 303.14, Code 1981, is amended
19 to read as follows:

20 303.14 REMOVAL OF ORIGINAL. After [any] archives
21 have been received by the *executive* director, they
22 shall not be removed from the *executive* director's
23 custody without [his] *the executive director's* consent
24 except in obedience to a subpoena of a court of record
25 or a written order of the state executive council.

26 The *executive* director [shall] *is* not [be] required
27 to preserve permanently vouchers, claims, canceled
28 or redeemed state warrants, or duplicate warrant
29 registers[, respectively,] of the state comptroller
30 and the treasurer of state but may, after microfilming,
31 destroy by burning or shredding any [such] warrants[,]
32 having no historical value, that have been in the
33 *executive* director's custody for a period of one year
34 and [likewise to] *may* destroy by burning or shredding
35 any vouchers, claims and duplicate warrant registers
36 which have been in the director's custody for a period
37 of one year. A properly authenticated reproduction
38 of [any such] *a* microfilmed record [shall be] *is* admissible
39 in evidence in [any] *a* court in this state.

40 Sec. 13. Section 303.15, Code 1981, is amended
41 to read as follows:

42 303.15 CERTIFIED COPIESFEES. Upon request of
43 [any] *a* person, the *executive* director of the [division
44 of historical museum and archives or the director
45 of the division of the] state historical [society]
46 *department* shall make a certified copy of any document,
47 manuscript, or record contained in the archives or
48 in the custody of the [division of the] state historical
49 [society, and when] *department except where reproduction*
50 *is inappropriate because of legal, curatorial, or*

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1 *physical considerations. When a copy is properly*
2 *authenticated it [shall have] has the same legal effect*

3 as though certified by the officer from whose office
4 it was obtained or by the secretary of state. The
5 copy may be made in writing, or by [any] a suitable
6 photographic process. The *executive* director shall
7 charge and collect for [such] copies the fees allowed
8 by law to the official in whose office the document
9 originates for [such] certified copies. The *executive*
10 director shall charge a person requesting a search
11 of census records for the purpose of determining
12 genealogy the actual cost of performing the search.

13 Sec. 14. Section 303.20, subsection 4, Code 1981,
14 is amended by striking the subsection and inserting
15 in lieu thereof the following:

16 4. "Department" means the Iowa state historical
17 department.

18 Sec. 15. Section 303.21, unnumbered paragraph
19 1, Code 1981, is amended to read as follows:

20 Not less than ten percent of the eligible voters
21 in an area of asserted historical significance may
22 petition the [division] *department* for a referendum
23 for the establishment of a district.

24 Sec. 16. Section 303.22, Code 1981, is amended
25 to read as follows:

26 303.22 ACTION BY [DIVISION] *DEPARTMENT*. The [division]
27 *department* shall hold a hearing not less than thirty
28 days or more than sixty days after the petition is
29 received. The [division] *department* shall publish
30 notice of the hearing, at a reasonable time before
31 the hearing is to take place, and shall post notice
32 of the hearing in a reasonable number of places within
33 the suggested district. The cost of notification
34 shall be paid by the persons who petition for the
35 establishment of a district.

36 At the hearing the [division] *department* shall hear
37 interested persons, accept written presentations,
38 and shall determine whether the suggested district
39 is an area of historical significance which may
40 properly be established as a historical preservation
41 district pursuant to the provisions of this division
42 of this chapter. The [division] *department* may determine
43 the boundaries which shall be established for the
44 district. The [division] *department* shall not include
45 property which is not included in the suggested
46 district unless the owner of [such] *the* property is
47 given an opportunity to be heard.

48 The [division] *department*, if it determines that
49 the suggested district meets the criteria for
50 establishment as a historical preservation district,

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1 shall indicate the owners of the property and residents
2 included and shall forward a list of [such] owners and
3 residents to the county commissioner of elections.

4 If the [division] *department* determines that the
5 suggested district does not meet the criteria for
6 establishment as a historical preservation district,
7 it shall so notify the petitioners.

8 Sec. 17. Section 303.23, Code 1981, is amended
9 to read as follows:

10 303.23 REFERENDUM. Within thirty days after the
11 receipt of the list of owners of property and residents
12 within the suggested historical preservation district,
13 the [county commissioner of elections] *department* shall
14 fix a date not more than forty-five days from the
15 receipt of the petition seeking a referendum on the
16 question of establishment of a historical preservation
17 district. The *department, after consultation with*
18 *the* county commissioner of elections, shall specify
19 the polling place within the suggested district that
20 will best serve the convenience of the voters and
21 shall appoint from residents of the proposed district
22 three judges and two clerks of election.

23 Sec. 18. Section 303.24, Code 1981, is amended
24 to read as follows:

25 303.24 NOTICE. The *department, after consultation*
26 *with the* county commissioner of elections, shall post
27 notice of the referendum in a reasonable number of
28 places within the suggested district a reasonable
29 time before it is to take place. The notice shall
30 state the purpose of the referendum, a description
31 of the district, the date of the referendum, the
32 location of the polling place, and the hours when
33 the polls will open and close.

34 Sec. 19. Section 303.34, subsections 1 and 4,
35 Code 1981, are amended to read as follows:

36 1. An area of historical significance shall be
37 proposed by the governing body of the city on its
38 own motion or upon the receipt by the governing body
39 of a petition signed by residents of the city. The
40 city shall submit a description of the proposed area
41 of historical significance or the petition describing
42 the proposed area, if the proposed area is a result
43 of the receipt of a petition, to [the division of
44 historical preservation of] the Iowa state historical
45 department which shall determine if the proposed area
46 meets the criteria [provided] in subsection 2 and may
47 make recommendations concerning the proposed area.

48 Any recommendations made by the [division of historical
49 preservation] *department* shall be made available by
50 the city to the public for viewing during normal

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1 working hours at a city government place of public
2 access.

3 4. An area shall [only] be designated an area of
4 historical significance upon enactment of an ordinance
5 of the city. Before [such an] *the* ordinance [is enacted]
6 or an amendment [thereto] *to it is enacted*, the governing
7 body of the city shall submit [such] *the* ordinance or
8 amendment to the [division of historical preservation
9 of the] Iowa state historical department for its review
10 and recommendations.

11 Sec. 20. Section 304.3, subsection 2, Code 1981,
12 is amended by striking the subsection and inserting
13 in lieu thereof the following:

14 2. The executive director of the Iowa state
15 historical department.

16 Sec. 21. Section 304.10, Code 1981, is amended
17 to read as follows:

18 304.10 *EXECUTIVE DIRECTOR OF IOWA STATE HISTORICAL*
19 *[MUSEUM AND ARCHIVES] DEPARTMENT DUTIES.* All lists
20 and schedules submitted to the commission shall be
21 referred to the *executive* director of the *Iowa state*
22 historical [museum and archives] *department*, who shall
23 determine whether the records proposed for disposal
24 have value to other agencies of the state or have
25 research or historical value. The *executive* director
26 [of the historical museum and archives] shall submit
27 the lists and schedules with [his or her] recommendations
28 in writing to the commission and the final disposition
29 of the records shall be according to the orders of
30 the commission.

31 Sec. 22. Section 470.5, Code 1981, is amended
32 to read as follows:

33 470.5 *EXCEPTIONS.* This chapter does not apply
34 to buildings [currently] used *on January 1, 1980* by
35 the division of adult corrections of the department
36 of social services as maximum security detention
37 facilities or to the renovation of property nominated
38 to, or entered in the national register of historic
39 places, designated by statute, or included in an
40 established list of historic places compiled by the
41 *executive* director of the [division of historical
42 preservation of the] Iowa state historical department.

43 Sec. 23. Sections 303.7 and 303.8, Code 1981,

44 are repealed.

45 Sec. 24. The terms of members of the state
46 historical board serving on the effective date of
47 this Act shall expire June 30, 1982. The initial
48 terms of members of the state historical board
49 established in section 1 of this Act shall commence
50 July 1, 1982 and be staggered so that two members

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1 shall serve until April 30, 1983, two members shall
2 serve until April 30, 1984, and three members shall
3 serve until April 30, 1985.

4 The governor shall give preference in appointment
5 of members of the state historical board to members
6 of the state historical board serving on June 30,
7 1982.

8 The initial term of office of the executive director
9 shall end April 30, 1985."

10 2. Amend the title, line 2, by striking the word
11 " , to" and inserting in lieu thereof the words "and
12 to".

13 3. Amend the title, lines 3 and 4, by striking
14 the words " , and to provide that the Act takes effect
15 January 1, 1982".

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSYTROM, Chair

HOUSE AMENDMENT TO SENATE FILE 494

S-5077

1 Amend Senate File 494 as passed by the Senate as
2 follows:

3 By striking everything after the enacting clause
4 and inserting in lieu thereof the following:

5 "Section 1. Rule of criminal procedure 10,
6 subsection 9, Code 1981, is amended by striking the
7 subsection and inserting in lieu thereof the following:

8 9. MOTION FOR CHANGE OF JUDGE.

9 a. FORM OF MOTION. A motion for a change of judge
10 shall be verified on information and belief by the
11 movant.

12 b. CHANGE OF JUDGE. If the court is satisfied
13 from a motion for a change of judge and the evidence
14 introduced in support of the motion that prejudice
15 exists on the part of the judge, the chief judge shall
16 name a new presiding judge. The location of the trial
17 need not be changed.

18 Sec. 2. Rule of criminal procedure 10, Code 1981,
19 is amended by adding the following new subsection
20 as subsection 10:

21 *NEW SUBSECTION. 10. MOTION FOR CHANGE OF VENUE.*

22 a. *FORM OF MOTION.* A motion for a change of venue
23 shall be verified on information and belief by the
24 movant.

25 b. *CHANGE OF VENUE ORDERED.* If the court is
26 satisfied from a motion for a change of venue and
27 the evidence introduced in support of the motion that
28 such degree of prejudice exists in the county in which
29 the trial is to be had that there is a substantial
30 likelihood a fair and impartial trial cannot be
31 preserved with a jury selected from that county, the
32 court either shall order that the action be transferred
33 to another county in which the offensive condition
34 does not exist, as provided in paragraph c, or shall
35 order that the trial jury be impaneled in and
36 transferred from a county in which the offensive
37 condition does not exist, as provided in paragraph
38 d.

39 c. *TRANSFER OF ACTION.* When a transfer of the
40 action to another county is ordered under paragraph
41 b the clerk shall transmit to the clerk of the court
42 of the county to which the proceeding is transferred
43 all papers in the proceeding or duplicates of them
44 and any bail taken, and the prosecution shall continue
45 in that county. If the defendant is in custody, the
46 court may order the defendant to be delivered to the
47 sheriff of the receiving county, and upon receipt
48 of a certified copy of the order, the sheriff shall
49 receive and detain the defendant. All expenses atten-
50 dant upon the change of venue and trial, including

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1 the costs of keeping the defendant, which shall be
2 allowed by the court trying the case, may be recovered
3 by the receiving county from the transferring county.
4 The prosecuting attorney in the transferring county
5 is responsible for prosecution in the receiving county.

6 d. *TRANSFER OF JURY.*

7 (1) This paragraph applies if the court orders
8 under paragraph b that a jury be transferred from
9 another county.

10 (2) Upon issuance of the order under paragraph
11 b, the clerk of court shall immediately notify the
12 chief judge of the judicial district that includes
13 the county from which the trial jury is to be obtained.

14 The chief judge shall schedule a day for the
15 commencement of proceedings under subparagraph (5)
16 and shall cause notice of the proceedings to be
17 delivered to the trial judge, to the attorneys for
18 the prosecution and the defense, and to the clerks
19 of court of the two counties that are affected by
20 the proceedings. The clerk of the trial court shall
21 deliver to the trial judge all documents that must
22 be present in court at the time trial is commenced
23 under subparagraph (5).

24 (3) The trial judge shall issue orders as necessary
25 to assure the presence of the defendant during
26 proceedings under subparagraph (5). If the defendant
27 is in custody, the sheriff of the trial county is
28 responsible for transporting the defendant to and
29 from the place of jury selection. The sheriff of
30 the county from which the jury is to be obtained shall
31 receive and maintain temporary custody of the defendant
32 as ordered by the trial court.

33 (4) The trial court shall retain jurisdiction
34 of the action, and all proceedings and records shall
35 be maintained in the ordinary manner, except that
36 the trial record shall contain pertinent information
37 respecting the change of location for the proceedings
38 under subparagraph (5) and the reason for the change.

39 (5) The commencement of the trial and the jury
40 selection process shall take place in the county in
41 which the jury is to be impaneled. The clerk of court
42 of that county shall perform all of the trial duties
43 of the clerk of court during proceedings that take
44 place in that county. Once the jury has been sworn,
45 the court shall adjourn for the period of time
46 necessary to permit the transportation of the jury
47 to the trial county. Upon reconvening, the trial
48 shall continue in the usual manner.

49 (6) The jurors shall be kept together and in the
50 custody of the proper officers while traveling to

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1 the place of trial and during the trial. The court
2 may issue orders respecting segregation of the jury
3 while traveling and during the trial as necessary
4 to preserve the integrity of the trial.

5 (7) The trial county shall provide transportation
6 for the jurors to and from the place of trial, and
7 shall provide the proper officers to take custody
8 of the jurors after they are sworn and until they
9 are discharged, as ordered by the trial court.

10 (8) The trial county shall pay all expenses
11 incurred in connection with the jury, including but
12 not necessarily limited to juror fees, the costs of
13 transporting, housing, and feeding the jury, and the
14 costs and expenses of officers assigned to take custody
15 of the jury. The trial county shall pay the costs
16 of transporting the defendant to and from the place
17 of jury selection, if any. The county from which
18 the jury is obtained may recover from the trial county
19 any costs allowed by the trial court for maintaining
20 custody of the defendant at the time of trial commence-
21 ment and jury selection.

22 (9) Members of the trial jury and alternates shall
23 each be paid the usual juror fee for service under
24 this paragraph, but the fee shall be due for each
25 calendar day they are under the direction of the court
26 or its officers, commencing with the day they are
27 sworn and ending with the day they are returned to
28 the county of their residence after being discharged.

29 Sec. 3. Rule of criminal procedure 10, subsection
30 10, Code 1981, is amended by renumbering that
31 subsection as subsection 11.

32 Sec. 4. Rule of criminal procedure 17, subsection
33 17, Code 1981, is amended by adding the following
34 new unnumbered paragraph:

35 *NEW UNNUMBERED PARAGRAPH.* If a jury is being
36 selected for trial of an action outside of the county
37 pursuant to rule 10, subsection 10, paragraph d, the
38 court shall impanel two alternate jurors, who shall
39 be sworn with the regular jury to try the case, and
40 who shall sit at the trial. These alternates shall
41 be used or discharged as provided in unnumbered
42 paragraph 1. The court may require the impaneling
43 of more than two alternates.

44 Sec. 5. Rule of criminal procedure 27, Code 1981,
45 is amended by adding the following new subsections:

46 *NEW SUBSECTION. JURY IMPANELED OUTSIDE OF COUNTY.*

47 For purposes of this section, when a jury is to be
48 impaneled from outside the county under rule 10,
49 subsection 10, paragraph d, a defendant is deemed
50 to have been brought to trial as of the day when the

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1 trial commences in the county in which jury selection
2 takes place.

3 *NEW SUBSECTION. CHANGE OF VENUE AFTER JURY
4 SELECTION*

4 COMMENCED. Whenever a change of venue is granted

5 pursuant to section 803.2, the defendant may be brought
6 to trial within thirty days of the grant of the change
7 of venue, notwithstanding subsection 2, paragraph b, of
8 this rule.

9 Sec. 6. Rule of criminal procedure 46, Code 1981,
10 is amended to read as follows:

11 Rule 46. CHANGE OF VENUE. A change of [place of
12 trial] *venue* may be applied for *and accomplished* in
13 [the manner] *either of the manners* prescribed in R.Cr.P.
14 10[, and the papers transmitted in similar manner as
15 described therein to the judicial officer or clerk
16 of the court to which change is allowed].

17 Sec. 7. Section 803.2, Code 1981, is amended to
18 read as follows:

19 803.2 PLACE OF TRIAL—GENERAL.

20 1. [Criminal actions] *A criminal action* shall be
21 tried in the county in which the crime is committed,
22 except as otherwise provided by law.

23 2. *The court, may on its own motion or on the*
24 *motion of any of the parties to the proceeding reconsider*
25 *and grant a pre-trial motion for change of venue whenever*
26 *it appears during jury selection that sufficient grounds*
27 *would exist for granting the motion under the provisions*
28 *of R.Cr.P. 10.*

29 3. All objections to [place of trial] *venue* are
30 waived by a defendant unless the defendant objects
31 thereto [prior to trial] *and secures a ruling by the*
32 *trial court on a pretrial motion for change of venue.*
33 *However, if venue is changed pursuant to subsection*
34 *2, all objections to venue in the county to which*
35 *the action is transferred are waived by a defendant*
36 *unless the defendant objects by a motion for change*
37 *of venue filed within five days after entry of the*
38 *order transferring the action and secures a ruling*
39 *by the trial court on the motion before a jury has*
40 *been impaneled and sworn.*

41 Sec. 8. Section 814.5, subsection 2, paragraph
42 c, Code 1981, is amended to read as follows:

43 c. An order granting or denying a *motion for a*
44 *change of venue.*

45 Sec. 9. Section 814.6, subsection 2, paragraph
46 b, Code 1981, is amended to read as follows:

47 b. An order granting or denying a *motion for a*
48 *change of venue.*

49 Sec. 10. Section 331.756, subsection 2, Code 1981
50 Supplement, is amended to read as follows:

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1 2. Appear for the state and the county in all

2 cases and proceedings in the courts of the county
3 to which the state or the county is a party, except
4 [cases brought on] *actions or proceedings resulting*
5 *from a change of venue from another county, and appear*
6 *in the appellate courts in all cases in which the*
7 *county is a party, and appear in all [cases] actions*
8 *or proceedings which are transferred on a change of*
9 *venue to another county or which require the impaneling*
10 *of a jury from another county and in which the county*
11 *or the state is a party.*

12 Sec. 11. Except as additionally provided in section
13 7, subsection 2 of this Act, the purpose of this Act
14 is to create an alternative to the transfer of criminal
15 trials in those cases where a change of venue is found
16 to be necessary, by providing a mechanism for securing
17 a jury from outside of the trial county. This Act
18 is not intended to limit in any manner the right of
19 a defendant to a fair trial. It is intended that
20 the courts shall exercise their rulemaking powers
21 to assure that fair trials are preserved under the
22 procedures contained in this Act.

23 Sec. 12.

24 1. This Act takes effect July 1, 1983.

25 2. The supreme court may, prior to the effective
26 date of this Act as specified in subsection 1, submit
27 additional amendments to any of the rules of criminal
28 procedure amended by this Act. Proposals shall be
29 submitted in the manner prescribed in section 684.19
30 for the amendment of rules of civil procedure. Any
31 amendments that are proposed by the supreme court
32 during the 1983 legislative session and adopted in
33 the manner prescribed in section 684.19 take effect
34 on July 1, 1983, and supersede conflicting amendments
35 contained in this Act.

36 3. Except as stated in subsection 4, the procedures
37 established by this Act, as modified by any superseding
38 amendments adopted under subsection 2, apply to the
39 following:

40 a. Any action that is commenced on or after the
41 effective date of this Act as specified in subsection
42 1.

43 b. Any retrial of an action that begins on or
44 after the effective date of this Act as specified
45 in subsection 1, irrespective of either the date or
46 the nature of the judicial decision that led to the
47 new trial.

48 4. Section 7, subsection 2 of this Act contains
49 a restatement of existing law as interpreted by the
50 Iowa supreme court in *State v. Allen*, and to that

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- 1 extent shall be deemed a continuation of prior law.”
 2 2. Title page, by striking lines 1 and 2, and
 3 inserting in lieu thereof the following:
 4 “An Act relating to criminal procedure, by amending
 5 the rules of criminal procedure relating to change
 6 of judge, change of venue and place of trial.”

HOUSE AMENDMENT TO SENATE FILE 399

S-5078

- 1 Amend Senate File 399 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 7, line 11, by inserting after the word
 4 “accessible.” the words *“This does not apply to a*
 5 *vessel which is a racing shell used in the sport of*
 6 *sculling.”*
 7 2. Page 7, by inserting after line 26 the
 8 following:
 9 “Sec. ____ Section 106.12, subsection 2, Code
 10 1981, is amended to read as follows:
 11 2. No person shall operate any vessel, or
 12 manipulate any water skis, surfboard or similar device
 13 while [intoxicated or] under the influence of [any] *an*
 14 *alcoholic beverage, marijuana, a narcotic, hypnotic*
 15 *or other drug, [barbiturate or marijuana] or any*
 16 *combination of these substances. However, this*
 17 *subsection shall not apply to a person operating any*
 18 *vessel or manipulating any water skis, surfboard or*
 19 *similar device while under the influence of marijuana,*
 20 *or a narcotic, hypnotic or other drug if the substances*
 21 *were prescribed for the person and have been taken*
 22 *under the prescription and in accordance with the*
 23 *directions of a medical practitioner as defined in*
 24 *section 155.3, subsection 11, provided there is no*
 25 *evidence of the consumption of alcohol and further*
 26 *provided the medical practitioner has not directed*
 27 *the person to refrain from operating a motor vehicle,*
 28 *any vessel or from manipulating any water skis,*
 29 *surfboard or similar device.”*
 30 3. Page 8, by striking lines 10 through 18.
 31 4. Page 8, by inserting after line 28 the
 32 following:
 33 “Sec. . Section 106.14, unnumbered paragraph
 34 1, Code 1981, is amended to read as follows:
 35 Whoever[, while in an intoxicated condition or under
 36 influence of narcotic drugs,] operates a vessel or

37 manipulates any water skis, surfboard or similar
 38 device upon the public waters of this state, *while*
 39 *under the influence of an alcoholic beverage,*
 40 *marijuana, a narcotic, hypnotic or other drug, or*
 41 *any combination of these substances, not permitted*
 42 *by section 106.12, subsection 2,* shall, upon conviction
 43 or a plea of guilty be punished, for the first offense
 44 by a fine of not less than three hundred dollars nor
 45 more than one thousand dollars, or by imprisonment
 46 in the county jail for a period of not to exceed one
 47 year, or by both such fine and imprisonment; for the
 48 second offense by a fine of not less than five hundred
 49 dollars, nor more than one thousand dollars, or by
 50 imprisonment for a period of not to exceed one year,

Page 2

1 or by both such fine and imprisonment; and for a third
 2 offense and each offense thereafter, by imprisonment
 3 for a period not to exceed three years.”
 4 5. Page 10, by striking lines 1 and 2 and in-
 5 serting in lieu thereof the following: “vessels.
 6 [Motorboats, when meeting or overtaking sailboats,
 7 shall always pass on the leeward side.]”
 8 6. Page 12, line 33, by striking the words
 9 “[December] *November*” and inserting in lieu thereof
 10 the word “December”.
 11 7. Page 14, line 20, by striking the words
 12 “operated, or moored” and inserting in lieu thereof
 13 the words “being operated, or being moored”.
 14 8. Page 17, by striking line 12 through page 18,
 15 line 27.
 16 9. Renumbering to conform to this amendment.

S-5079

1 Amend amendment S-3511 to House File 772 as amended,
 2 passed and reprinted by the House as follows:
 3 1. Page 1, line 9, by inserting after the word
 4 “curriculum.” the words “The examination shall be
 5 designed to request answers in direct and straight-
 6 forward questions.”

C.W. BILL HUTCHINS

S-5080

1 Amend Senate File 26 as follows:

DIVISION S—5080A

2 1. Page 1, by striking lines 5 and 6 and inserting

- 3 in lieu thereof the following: "of a motor vehicle
 4 has violated sections 321.261, 321.262, or 321.264,
 5 the officer may request any owner".

DIVISION S—5080B

- 6 2. Page 1, line 12, by inserting after the word
 7 "self-incriminating" the words "with regard to possible
 8 violations of sections 321.261, 321.262 or 321.264".

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chair

S-5081

- 1 Amend Senate File 2038 as follows:
 2 1. Page 1, line 5, by striking the word "R.C.P."
 3 and inserting in lieu thereof the words "Rule of Civil
 4 Procedure".

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chair

S-5082

- 1 Amend the Gratias et al amendment, S-5071, to
 2 Senate File 2134 as follows:
 3 1. Page 1, line 13, by striking the words "in
 4 the state".

ARTHUR L. GRATIAS

S-5083

- 1 Amend House File 303 to read as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Section 237A.1, subsection 8, Code
 5 1981, is amended to read as follows:
 6 8. "Child care center" or "center" means a facility
 7 providing child day care for seven or more children,
 8 *except when the facility is registered as a group*
 9 *day care home.*
 10 Sec. 2. Section 237A.1, subsection 9, Code 1981,
 11 is amended to read as follows:
 12 9. a. "Family day care home" means a facility
 13 which provides child day care to less than seven
 14 children.
 15 b. "Group day care home" means a facility providing
 16 child day care for more than six but less than twelve
 17 children, with no more than six children at one time

18 *being less than six years of age.*

19 Sec. 3. Section 237A.1, subsection 10, Code 1981,
20 is amended to read as follows:

21 10. "Child day care facility" or "facility" means
22 a child care center, *group day care home*, or registered
23 family day care home.

24 Sec. 4. Section 237A.3, Code 1981, is amended
25 to read as follows:

26 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CARE
27 HOMES.

28 1. A person who operates or establishes a family
29 day care home may apply to the department for
30 registration under [the provisions of] this chapter.
31 The department shall issue a certificate of
32 registration upon receipt of a statement from the
33 family day care home that the home complies with rules
34 [promulgated] *adopted* by the department. The
35 registration certificate shall be posted in a
36 conspicuous place in the family day care home, shall
37 state the name of the registrant, the number of
38 individuals who may be received for care at any one
39 time and the address of the home, and shall include
40 a check list of registration compliances. No greater
41 number of children than is authorized by the
42 certificate shall be kept in the family day care home
43 at any one time. The registration process may be
44 repeated on an annual basis. A facility which is
45 not a family day care home by reason of the definition
46 of child day care in section 237A.1, subsection 7,
47 but which provides care, supervision or guidance to
48 a child may be issued a certificate of registration
49 under [the provisions of] this chapter.

50 2. *A person shall not operate or establish a group*

Page 2

1 *day care home unless the person obtains a certificate*
2 *of registration under this chapter. In order to be*
3 *registered the group day care home shall have at least*
4 *one responsible individual, age fourteen or over,*
5 *on duty to assist the group day care home provider*
6 *during those hours in which the provider cares for*
7 *more than six children. All other requirements of*
8 *this chapter for registered family day care homes*
9 *and the rules adopted under this chapter for registered*
10 *family day care homes apply to group day care homes.*
11 *In addition, the department shall adopt rules relating*
12 *to the provision in group day care homes for a separate*
13 *area for sick children. In consultation with the*

- 14 *state fire marshal, the department shall adopt rules*
 15 *relating to the provision of fire extinguishers, smoke*
 16 *detectors, and two exits accessible to children.*
 17 Sec. 5. Section 237A.19, Code 1981, is amended
 18 by adding the following new unnumbered paragraph:
 19 *NEW UNNUMBERED PARAGRAPH.* A person who establishes,
 20 conducts, manages, or operates a group day care home
 21 without registering under this chapter is guilty of
 22 a simple misdemeanor. Each day of continuing
 23 violation, or notice from the department by certified
 24 mail of the violation, is a separate offense.
 25 Sec. 6. Section 237.10, Code 1981, is repealed."

JULIA GENTLEMAN
 SUE YENGER
 CHARLES P. MILLER
 BOB CARR
 C. JOSEPH COLEMAN
 RICHARD F. DRAKE
 ARTHUR L. GRATIAS
 MERLIN D. HULSE
 ALVIN V. MILLER
 JOHN N. NYSTROM
 TOM SLATER
 RICHARD VANDE HOEF

S-5084

- 1 Amend the House amendment S-5078 to Senate File 399
 2 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 2, by striking lines 4 through 7.

JULIA GENTLEMAN

S-5085

- 1 Amend House File 738 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 12, by inserting after the figure
 4 "109.113." the words "*Paddlefish may be taken, subject*
 5 *to minimum weight and length requirements, below dam*
 6 *number twelve on the Mississippi river.*"
 7 2. Page 1, line 18, by striking the figure "1982"
 8 and inserting in lieu thereof the figure "1983".
 9 3. Page 1, line 20, by striking the figure "1983"
 10 and inserting in lieu thereof the figure "1984".

COMMITTEE ON NATURAL RESOURCES
 FORREST V. SCHWENGELS, Chair

S-5086

- 1 Amend House Concurrent Resolution 107 as passed
- 2 by the House as follows:
- 3 1. Page 2, lines 3 and 4, by striking the words
- 4 "through the Missouri river coordinator".

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chair

S-5087

- 1 Amend House File 829 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 26 and 27 and
- 4 inserting in lieu thereof the following: "sought
- 5 is required by law to be kept confidential, the agency
- 6 may refuse access until the citizens' aide demonstrates
- 7 that the document is relevant or material to an
- 8 investigation authorized under subsection 1. If the
- 9 citizens' aide is provided access to the confidential
- 10 document, the citizens' aide is subject to".

DICK RAMSEY

S-5088

- 1 Amend House File 764 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 1, by striking lines 15 through 18 and
- 4 inserting in lieu thereof the words "from the
- 5 sidewalks."
- 6 2. Page 1, by striking lines 33 through 35 and
- 7 inserting in lieu thereof the words "same manner as a
- 8 property tax."

EDGAR H. HOLDEN .

S-5090

- 1 Amend the amendment S-3511 to House File 772 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 1, by striking lines 8 through 10 and
- 4 inserting in lieu thereof the words "curriculum, a
- 5 certificate of completion shall".
- 6 2. Page 1, line 11, by inserting after the word
- 7 "applicant." the words "An examination shall not be
- 8 required for the award of the certificate."

FORREST V. SCHWENGELS

S-5091

- 1 Amend Senate amendment, S-5083, to House File 303,
 2 as passed by the House, as follows:
 3 1. Page 2, by inserting after line 24 the
 4 following:
 5 "Sec. ____ Chapter 237A, Code 1981, is amended
 6 by adding the following new section:
 7 *NEW SECTION. EXEMPTION.* A family day care home
 8 is exempt for a period of up to two hours before or
 9 after regular school hours in any day from the
 10 limitation of simultaneously providing child day care
 11 for a maximum of six children, provided that no more
 12 than three additional children are provided child
 13 day care at one time and no more than six children
 14 under six years of age are provided child day care
 15 at one time."
 16 2. Renumber as necessary.

ARTHUR A. SMALL, JR.

S-5092

- 1 Amend Senate File 2088 as follows:

DIVISION S—5092A

- 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 8.6, subsection 4, paragraph
 5 c, Code 1981, is amended to read as follows:
 6 c. For the proposed budget year, an estimate of
 7 revenue from all sources, other than revenue to be
 8 received from property taxation, separately stated
 9 as to each [such] source, to be allocated to each of
 10 the several funds, and for each fund the actual or
 11 estimated unencumbered cash balance, whichever is
 12 applicable, to be available at the beginning of the
 13 year, the amount proposed to be received from property
 14 taxation allocated to each fund, and the amount
 15 proposed to be expended during the year plus the
 16 amount of cash reserve, based on actual experience
 17 of prior years, which shall be the necessary cash
 18 reserve of the budget adopted exclusive of capital
 19 outlay items. *The amount of cash reserve of a school*
 20 *district for a proposed budget year, is equal to the*
 21 *district's actual unencumbered cash balance at the*
 22 *close of the previous fiscal year.* The estimated
 23 expenditures plus the required cash reserve for the
 24 ensuing fiscal year less all estimated or actual

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25 unencumbered balances at the beginning of the year
26 and less the estimated income from all sources other
27 than property taxation shall equal the amount to be
28 received from property taxes, and such amount shall
29 be shown on the proposed budget estimate.”

DIVISION S—5092B

30 2. Page 1, by inserting after line 23 the following
31 section:

32 “Sec. ____ Section 442.13, subsection 2, Code
33 1981, is amended to read as follows:

34 2. The committee shall report to each session
35 of the general assembly, which report shall include
36 any recommended changes in laws relating to school
37 districts, and shall specify the number of hearings
38 held annually, the reasons for the committee's
39 recommendations, *information about the amounts of*
40 *property tax levied by school districts for a cash*
41 *reserve*, and other information [as] the committee deems
42 advisable.”

43 3. By numbering and renumbering sections as
44 necessary.

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chair

S-5094

1 Amend Senate File 446 as follows:

2 1. Page 1, line 9, by inserting after the figure
3 “537.1301” the words “, or a person who makes not
4 more than five transactions each year”.

RICHARD COMITO
A.R. BUD KUDART

S-5095

1 Amend Senate File 2118 as follows:

2 1. Page 1, line 10, by inserting after the word
3 “*thousand*” the words “*and five hundred*”.
4 2. Title page, line 2, by inserting after the
5 word “*thousand*” the words “*and five hundred*”.

COMMITTEE ON EDUCATION
ARTHUR L. GRATIAS, Chair

S-5096

1 Amend House File 772 as amended, passed and

- 2 reprinted by the House as follows:
3 1. Page 2, lines 5 and 6 by striking the words
4 "The license revocation is in addition to the penalty
5 provided in section 110.42."

RICHARD COMITO

S-5097

- 1 Amend House File 772 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 31 the
4 following:
5 "5. An officer of the commission or a certified
6 instructor may issue a certificate to a person who
7 has not completed the hunter safety and ethics
8 education course but has demonstrated by examination
9 to that officer or instructor a satisfactory knowledge
10 of hunter safety and ethics."
11 2. By renumbering the subsections to conform with
12 this amendment.

ARNE WALDSTEIN

S-5098

- 1 Amend Senate File 446 as follows:
2 1. Page 2, by inserting after line 6 the following:
3 "The licensee shall take the thumb print of the
4 seller before the transaction takes place. The
5 licensee shall take a photo of the precious metal
6 and attach both the thumb print and the photo to the
7 precious metal."
8 2. Page 2, line 31, by striking the word "seven"
9 and inserting in lieu thereof the word "ten".
10 3. Page 3, line 5, by striking the word "seven-
11 day" and inserting in lieu thereof the word "ten-day".

RICHARD COMITO

S-5099

- 1 Amend Senate File 446 as follows:
2 1. Page 2, by inserting after line 6 the following:
3 "The licensee shall take the thumb print of the
4 seller before the transaction takes place. The
5 licensee shall take a photo of the precious metal.
6 The photo shall have the name, address, and telephone
7 number of the person the licensee transacts business
8 with, a description of the precious metal, the date
9 and time of the transaction, and the name and address

- 10 of the business the licensee represents.
11 Each licensee shall provide the photo and thumbprint
12 from each transaction once a week to the law
13 enforcement agency having jurisdiction of the political
14 subdivision where the licensee or the business the
15 licensee represents is located.”
16 2. Page 2, by striking lines 19 through 29.
17 3. Page 2, line 31, by striking the word “seven”
18 and inserting in lieu thereof the word “ten”.
19 4. Page 3, line 5, by striking the word “seven-
20 day” and inserting in lieu thereof the word “ten-day”.
21 5. By renumbering as necessary.

RICHARD COMITO

S-5100

- 1 Amend Senate File 2147 as follows:
2 1. Page 1, by inserting after line 11 the
3 following:
4 “Sec. ____ Chapter 321, Code 1981, is amended
5 by adding the following new section to the division
6 relating to lighting equipment:
7 *NEW SECTION. LIGHTS CLEARLY VISIBLE.* Head lamps,
8 rear lamps, and signal lamps, required as equipment
9 on a motor vehicle under section 321.384, 321.385,
10 321.386, 321.387, or 321.404 shall be clearly visible
11 and shall be kept free from dirt or other materials.
12 An individual operating a motor vehicle in violation
13 of this section is guilty of a simple misdemeanor.”
14 2. By amending the title, line 3, by inserting
15 after the word “sunrise” the words “and requiring
16 lights to be kept free from dirt or other materials”.

ARNE WALDSTEIN

S-5101

- 1 Amend Senate File 2157 as follows:
2 1. Page 1, by inserting after line 10 the
3 following:
4 “Sec. ____ Chapter 321E, Code 1981, is amended
5 by adding the following new section:
6 *NEW SECTION. ANNUAL TRIP PERMITS FOR TRAILERS.*
7 The department and local authorities may, upon
8 application, issue annual trip permits for the movement
9 of two trailers attached together and drawn by a motor
10 truck with a combined overall length not to exceed
11 eighty-five feet for the movement of the trailers
12 from the place of manufacture or assembly in the state

13 to a retail dealer's place of business. The movement
 14 of the trailers shall be over the most direct route
 15 on roadways of at least twenty-four feet in width
 16 or on four-lane highways and shall display the special
 17 plates designated in section 321.57. Trailers moved
 18 under this section shall not contain load or freight.
 19 Vehicles or combinations of vehicles shall be
 20 distinctly marked on the front and rear to indicate
 21 that the vehicles or combination of vehicles are being
 22 moved for delivery or transfer purposes only. Permits
 23 issued under this section shall be carried in the
 24 motor truck towing the combination of two trailers
 25 and shall be available for inspection by peace officers
 26 or department personnel at all times."
 27 2. Title, line 5, by adding after the word "permit"
 28 the words "and to provide for an annual trip permit
 29 for trailers".

ARTHUR L. GRATIAS

S-5102

1 Amend House File 2250, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, lines 20 through 24, by striking the
 4 words "*which have telephone facilities available when*
 5 *the public place is open for business and businesses*
 6 *engaged in selling motor fuel which have restroom*
 7 *facilities available when the public place is open*
 8 *for business*".

COMMITTEE ON TRANSPORTATION
 RICHARD F. DRAKE, Chair

S-5103

1 Amend Senate File 2088 as follows:
 2 1. Page 1, by inserting after line 10 the
 3 following:
 4 "Sec. ____ Section 442.5, subsection 1, paragraph
 5 a, Code 1981, is amended to read as follows:
 6 a. "Miscellaneous income" means all receipts
 7 deposited to the general fund of a school district
 8 which are not obtained from state aid provided under
 9 section 442.1 or from property tax authorized under
 10 section 442.2 or 442.9 *except as otherwise provided*
 11 *in this paragraph*. Miscellaneous income includes
 12 property tax levied under [the provisions of] section
 13 613A.7, to fund the costs of tort liability insurance
 14 for the school district. *Only that portion of interest*

15 *earned by a school district that does not exceed the*
 16 *interest paid by the school district shall be included*
 17 *as miscellaneous income during a school year.”*
 18 2. Amend the title, line 2, by inserting after
 19 the word “reserve” the words “and relating to funds
 20 available for a cash reserve”.

EDGAR H. HOLDEN

S-5104

1 Amend Senate File 2088 as follows:

2 1. Page 1, by inserting after line 10 the following
 3 section:

4 “Sec. 10. Section 442.5, subsection 2, Code 1981,
 5 is amended to read as follows:

6 2. [The] *For the school year beginning July 1, 1982*
 7 *and succeeding school years, the authorized*
 8 *expenditures during a school year may not exceed the*
 9 *lesser of the budget for that year certified under*
 10 *section 24.17 plus any allowable amendments permitted*
 11 *in this section, or the authorized budget, which is*
 12 *the sum of the district cost for that year plus the*
 13 *actual miscellaneous income received for that year*
 14 *plus the actual unspent balance from the preceding*
 15 *year minus the difference between the amount of state*
 16 *school foundation aid due under section 442.26 and*
 17 *the amount of state school foundation aid paid under*
 18 *section 442.26. If actual miscellaneous income for*
 19 *a school year exceeds the anticipated miscellaneous*
 20 *income in the certified budget for that year, or if*
 21 *an unspent balance has not been previously certified,*
 22 *a school district may amend its certified budget.”*

23 2. Page 1, by inserting after line 23 the following
 24 section:

25 “Sec. ____ Section 10 of this Act applies to
 26 appropriations made for the school year beginning
 27 July 1, 1982 and succeeding school years.”

28 3. Amend the title, line 2, by inserting after
 29 the word “reserve” the words “and relating to funds
 30 available for a cash reserve”.

31 4. By numbering and renumbering sections as
 32 necessary.

EDGAR H. HOLDEN

S-5105

1 Amend House File 2090 as follows:

2 1. Page 1, by inserting after line 12 the

3 following:

4 "Notwithstanding section 282.6, the board of
5 directors may charge a fee for covering the costs
6 of a driver education program except for the cost
7 of the instructor. The board may, in a hardship case,
8 exempt a student from payment of the fee for driver
9 education."

10 2. Title page, line 2, by inserting after the
11 word "of" the words "and permitting a fee to be charged
12 for".

ARTHUR A. SMALL, JR.
JOHN W. JENSEN

S-5106

1 Amend Senate File 2088 as follows:

2 1. Page 1, line 10, by inserting after the word
3 "reserve" the words ", as defined in section 8.6,
4 subsection 4, paragraph c."
5 2. Page 1, line 10, by inserting after the word
6 "fund." the following: "The amount raised by the
7 cash reserve levy shall not exceed an amount which
8 when added to the amount of a district's cash reserve
9 at the close of the previous fiscal year equals seven
10 and one-half percent of the authorized budget of the
11 school district, as defined in section 442.5, for
12 the school year in which the levy is certified.

13 However, the board may certify a cash reserve levy
14 that exceeds the limit on the levy provided in this
15 section if the question has been approved by the
16 voters of the school district in the manner provided
17 in this section. The board may direct the county
18 commissioner of elections to submit the question of
19 whether to exceed the limit on the cash reserve levy
20 provided in this section, for a period of not to
21 exceed five years, to the qualified electors of the
22 school district at the next following regular school
23 election. If a majority of those voting on the
24 proposition favors exceeding the limit on the cash
25 reserve levy provided in this section, the board may
26 certify the levy by the next following March 15.
27 The approval to exceed the cash reserve levy shall
28 remain in effect for the period for which it was
29 approved. If the board wishes to continue the cash
30 reserve levy that exceeds the limit on the levy
31 provided in this section, it shall reestablish its
32 authority to do so at the appropriate regular school
33 election."

BERL E. PRIEBE

S-5107

1 Amend Senate File 2088 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 "Sec. ____ Chapter 442, Code 1981, is amended
5 by adding the following new section:

6 *NEW SECTION.* If a school district receives less
7 state school foundation aid under section 442.26 than
8 is due under that section, for a base year and the
9 school district uses funds from its cash reserve,
10 as defined in section 8.6, subsection 4, paragraph
11 c, during the base year to make up for the amount
12 of state aid not paid, the board of directors of the
13 school district shall include in its general fund
14 budget document information about the amount of the
15 cash reserve used to replace state school foundation
16 aid not paid."

17 2. By numbering and renumbering sections as
18 necessary.

BERL E. PRIEBE
JAMES V. GALLAGHER

S-5108

1 Amend Senate File 2088 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 "Sec. ____ Chapter 442, Code 1981, is amended
5 by adding the following new section:

6 *NEW SECTION.* If a school district receives less
7 state school foundation aid under section 442.26 than
8 is due under that section, and the school district
9 uses funds from its cash reserve, as defined in section
10 8.6, subsection 4, paragraph c, to make up for the
11 amount of state aid not paid, the state comptroller,
12 during the first succeeding school year in which the
13 unobligated state general fund balance on June 30
14 of the base year as certified by the state comptroller
15 by September 10 of the budget year is more than forty
16 million dollars, shall reimburse the school district
17 for the amount of state school foundation aid not
18 paid. The amount paid to a school district under
19 this section is cash reserve.

20 Payment shall be made under this section from funds
21 appropriated in section 442.26."

22 2. By numbering and renumbering sections as
23 necessary.

BERL E. PRIEBE

S-5109

- 1 Amend Senate File 124 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "later" the words "and is imposed only on the first
4 thirty thousand dollars of the gross receipts from
5 the sale at retail of each tangible personal property
6 or service".
7 2. Page 1, line 16, by inserting after the word
8 "later" the words "and is imposed only on the first
9 thirty thousand dollars of the gross receipts from
10 the sale at retail of each tangible personal property
11 or service".

BERL E. PRIEBE

S-5110

- 1 Amend Senate File 446 as follows:
2 1. Page 2, by inserting after line 6 the following:
3 "The licensee shall take the thumb print of the
4 seller before the transaction takes place. The
5 licensee shall take a photo of the precious metal.
6 The photo shall have the name, address, and telephone
7 number of the person the licensee transacts business
8 with, a description of the precious metal, the date
9 and time of the transaction, and the name and address
10 of the business the licensee represents.
11 Each licensee shall provide the photo and thumbprint
12 from each transaction once a week to the law
13 enforcement agency having jurisdiction of the political
14 subdivision where the licensee or the business the
15 licensee represents is located."
16 2. Page 2, by striking lines 19 through 29.
17 3. Page 2, line 31, by striking the word "seven"
18 and inserting in lieu thereof the word "ten".
19 4. Page 2, by striking line 33 and inserting in
20 lieu thereof the following: "photo and thumbprint
21 taken in connection with the transaction."
22 5. Page 3, line 5, by striking the word "seven-
23 day" and inserting in lieu thereof the word "ten-day".
24 6. Page 3, by striking lines 10 through 14 and
25 inserting in lieu thereof the following:
26 "Sec. 8. *NEW SECTION.* A person who commits a
27 first violation of this Act is upon conviction, guilty
28 of a simple misdemeanor and subject to loss of license
29 for thirty days. A person who commits a subsequent
30 violation of this Act is upon conviction, guilty of
31 a serious misdemeanor and subject to permanent loss
32 of the license issued under this Act."

33 7. By renumbering as necessary.

RICHARD COMITO

S-5111

- 1 Amend the Comito amendment S-5110 to
- 2 Senate File 446 as follows:
- 3 1. Page 1, line 3, by striking the words "thumb print"
- 4 and inserting in lieu thereof the words "right or left
- 5 index fingerprint".
- 6 2. Page 1, line 11, by striking the word "thumbprint"
- 7 and inserting in lieu thereof the words "right or left
- 8 index fingerprint".
- 9 3. Page 1, line 20, by striking the word "thumbprint"
- 10 and inserting in lieu thereof the words "right or left
- 11 index fingerprint".

RICHARD COMITO

S-5112

- 1 Amend House File 744 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 19 and 20, by striking the words
- 4 "*substantial threat to the safety of the community*"
- 5 and inserting in lieu thereof the words "*significant*
- 6 *threat to the property or safety of another person*".
- 7 2. Page 1, lines 24 and 25 by striking the words
- 8 "*the community*" and inserting in lieu thereof the
- 9 words "*another person or another person's property*".
- 10 3. Page 2, by striking lines 21 through 25 and
- 11 inserting in lieu thereof the following: "[The] *At*
- 12 *least three days prior to the date set for sentencing,*
- 13 *the court [may, in its discretion,] shall make all of*
- 14 *the [presentence] pre-sentence investigation report [or*
- 15 *parts of it] available [to the defendant, or the court*
- 16 *may make the report or parts of it available while*
- 17 *concealing] for inspection to the defendant's attorney,*
- 18 *and to the attorney for the state. However, the court*
- 19 *may conceal from the defendant, from the defendant's*
- 20 *attorney, or from both, the identity of the person*".
- 21 4. Page 3, by striking lines 2 through 4, and
- 22 inserting in lieu thereof the following: "commitment.
- 23 *The defendant or the defendant's attorney may file with*
- 24 *the pre-sentence investigation report a denial of*
- 25 *allegations contained in the report. The denial shall*
- 26 *be included in the report.*".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chair

HOUSE AMENDMENT TO SENATE FILE 217

S-5113

1 Amend Senate File 217 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 12, by inserting after the word
4 "alone" the words "*which is secured by the property*
5 *being transferred and which is not greater than the*
6 *fair market value of the property being transferred*".

7 2. Page 2, by inserting after line 13 the
8 following:

9 "Sec. ____ Section 428A.2, subsection 15, Code
10 1981, is amended to read as follows:

11 15. Deeds between a family corporation, *partner-*
12 *ship, or limited partnership* and its stockholders
13 *or partners* for the purpose of transferring real
14 property in an incorporation or corporate dissolution
15 *or the organization or dissolution of a partnership*
16 *or limited partnership* under the laws of this state,
17 where the deeds are given for no actual consideration
18 other than for shares [of stock] or for debt securities
19 of the corporation, *partnership, or limited*
20 *partnership*. For purposes of this subsection a family
21 corporation, *partnership, or limited partnership* is
22 a corporation, *partnership, or limited partnership*
23 where the majority of the voting stock of the
24 corporation, *or of the ownership shares of the*
25 *partnership or limited partnership* is held by and
26 the majority of the stockholders *or partners* are
27 persons related to each other as spouse, parent,
28 grandparent, lineal ascendants of grandparents or
29 their spouses and other lineal descendants of the
30 grandparents or their spouses, or persons acting in
31 a fiduciary capacity for persons so related and where
32 all of its stockholders *or partners* are natural persons
33 or persons acting in a fiduciary capacity for the
34 benefit of natural persons."

S-5114

1 Amend House File 808, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 321.1, subsection 71, Code
6 1981, as amended by Acts of the Sixty-ninth General
7 Assembly, Second Extraordinary 1981 Session, chapter
8 2, section 5, is amended to read as follows:

9 71. A "special truck" means a motor truck not
10 used for hire with a gross weight registration of
11 [eight] *six* through twenty tons used by a person engaged
12 in farming to transport commodities produced only
13 by the owner, or to transport commodities purchased
14 by the owner for use in the owner's own farming opera-
15 tion or occasional use for charitable purposes.

16 Sec. 2. Section 321.1, Code 1981, is amended by
17 adding the following new subsection:

18 *NEW SUBSECTION.* "Registration year" means the
19 period of twelve consecutive months beginning on the
20 first day of the month following the month of the
21 birth of the owner of the vehicle for vehicles
22 registered by the county treasurer and the calendar
23 year for vehicles registered by the department or
24 vehicles with a combined gross weight exceeding five
25 tons which are registered by the county treasurer
26 and mobile homes.

27 Sec. 3. Section 321.34, subsection 3, unnumbered
28 paragraph 1, Code 1981, is amended to read as follows:

29 In lieu of issuing new registration plates each
30 *registration* year for a vehicle renewing registration,
31 the department may reassign the registration plates
32 previously issued to [such] *the* vehicle and may adopt
33 and prescribe [an] annual validation [sticker] *stickers*
34 indicating payment of registration [fee, which annual
35 validation sticker shall be attached to said
36 registration plates bearing the numerals indicating
37 the year for which the original plates are validated]
38 *fees. The department shall issue two validation*
39 *stickers for each registration plate. One sticker*
40 *shall specify the year of expiration of the registra-*
41 *tion period. The second sticker shall specify the*
42 *month of expiration of the registration period. The*
43 *month of registration shall not be required on*
44 *registration plates or validation stickers issued*
45 *for vehicles registered under chapter 326.*

46 Sec. 4. Section 321.39, Code 1981, is amended
47 by striking the section and inserting in lieu thereof
48 the following:

49 321.39 EXPIRATION OF REGISTRATION. Except as
50 provided in this chapter every vehicle registration,

Page 2

1 registration card, and registration plate shall expire
2 as follows:

3 1. For vehicles registered under chapter 326 and
4 any motor truck, truck tractor, or road tractor

5 registered for a combined gross weight exceeding five
6 tons, at midnight on the last day of December of each
7 year.

8 2. For vehicles registered by the county treasurer,
9 at midnight on the last day of the registration year.

10 3. For vehicles on which the first installment
11 of an annual fee has been paid, at midnight on the
12 last day of June; for vehicles on which the second
13 installment of an annual fee has been paid, at midnight
14 on the last day of December.

15 4. For vehicles registered without payment of
16 fees as provided in section 321.19, when designated
17 by the department.

18 5. For mobile homes, at midnight on the last day
19 of June and December each year.

20 Registration for every vehicle registered by the
21 county treasurer shall expire upon transfer of
22 ownership.

23 Sec. 5. Section 321.40, unnumbered paragraph 1,
24 Code 1981, is amended by striking the unnumbered
25 paragraph and inserting in lieu thereof the following:

26 Application for renewal of a vehicle registration
27 shall be made on or after the first day of the month
28 of expiration of registration and up to and including
29 the last day of the month following the month of
30 expiration of registration. The registration shall
31 be renewed upon payment of the appropriate registration
32 fee.

33 Sec. 6. Section 321.40, unnumbered paragraph 3,
34 Code 1981, is amended by striking the unnumbered
35 paragraph.

36 Sec. 7. Section 321.46, Code 1981, is amended
37 to read as follows:

38 321.46 **NEW TITLE AND REGISTRATION UPON TRANSFER**
39 **OF [REGISTRATION] OWNERSHIP.**

40 1. The transferee shall within seven calendar
41 days after purchase or transfer apply for and obtain
42 from the county treasurer of the person's residence,
43 or if a nonresident, the county treasurer of the
44 county where the primary users of the vehicle are
45 located or the county where all other vehicles owned
46 by the nonresident are registered, a [transfer of] *new*
47 registration and a new certificate of title for [such]
48 *the* vehicle except as provided in section 321.48.
49 The transferee shall present with the application
50 the certificate of title endorsed and assigned by

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1 the previous owner and the signed registration card

2 *or other evidence of current registration as required*
3 *by the department. The transferee shall be required*
4 *to list a motor vehicle license number as part of*
5 *the application for a registration transfer and a*
6 *new title. The motor vehicle license number shall*
7 *not be the social security number of the transferee*
8 *unless requested by the transferee.*

9 2. Upon filing the application for a new
10 registration [transfer] and a new title, the applicant
11 shall pay a title fee of two dollars and a registration
12 fee prorated for the remaining unexpired months of
13 the registration year. The county treasurer, if
14 satisfied of the genuineness and regularity of the
15 application and that applicant has complied with all
16 the requirements of this chapter, shall [forthwith]
17 issue a new certificate of title and registration
18 card to the purchaser or transferee, shall cancel
19 the prior registration for the vehicle, and shall
20 forward the necessary copies to the department on
21 the date of issuance, as prescribed in section 321.24.

22 3. The applicant shall be entitled to a credit
23 for that portion of the registration fee of the vehicle
24 sold, traded, or junked within the state which had
25 not expired prior to the transfer of ownership of
26 the vehicle. The registration fee for the new
27 registration for the vehicle acquired shall be reduced
28 by the amount of the credit. The credit shall be
29 computed on the basis of the number of months remaining
30 in the registration year, rounded to the nearest whole
31 dollar. The credit shall be subject to the following
32 limitations:

33 a. The credit shall be claimed within thirty days
34 from the date the vehicle for which credit is granted
35 was sold, transferred, or junked. After thirty days,
36 all credits shall be disallowed.

37 b. Any credit granted to the owner of a vehicle
38 which has been sold, traded, or junked may only be
39 claimed by that person toward the registration fee
40 for another vehicle purchased and the credit may not
41 be sold, transferred, or assigned to any other person.

42 c. When the amount of the credit is computed to
43 be an amount of less than five dollars, a credit shall
44 be disallowed.

45 d. To claim a credit for the unexpired registration
46 fee on a junked vehicle, the county treasurer shall
47 disallow any claim for credit unless the owner presents
48 a junking certificate or other evidence as required
49 by the department to the county treasurer.

50 e. A credit shall not be allowed to any person

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1 *who is eligible to receive a refund, upon proper*
2 *application, under section 321.126.*

3 *f. The credit shall only be allowed if the owner*
4 *provides the copy of the registration receipt to the*
5 *county treasurer.*

6 *g. The credit allowed shall not exceed the amount*
7 *of the registration fee for the vehicle acquired.*

8 *If the registration fee upon application is delinquent,*
9 *the applicant shall be required to pay the delinquent*
10 *fee from the first day the registration fee was due*
11 *prorated to the month of application for new title.*

12 *4. The seller or transferor may file an affidavit*
13 *on forms prescribed and provided by the department*
14 *with the county treasurer of the county where the*
15 *vehicle is registered certifying the sale or transfer*
16 *of ownership of [such] the vehicle and the assignment*
17 *and delivery of the certificate of title for [such]*
18 *the vehicle. Upon receipt of [such] the affidavit the*
19 *county treasurer shall file [such] the affidavit with*
20 *the copy of the registration receipt for [such] the*
21 *vehicle on file in [his] the treasurer's office and*
22 *on that day [he] the treasurer shall forward copies*
23 *of the affidavit to the department and to the county*
24 *treasurer of the county of residence of the purchaser*
25 *or transferee. Upon filing [such] the affidavit it*
26 *shall be presumed that the seller or transferor has*
27 *assigned and delivered the certificate of title for*
28 *[such] the vehicle.*

29 *Sec. 8. Section 321.48, Code 1981, is amended*
30 *to read as follows:*

31 **321.48 VEHICLES ACQUIRED FOR RESALE.**

32 *1. When the transferee of a vehicle is a dealer*
33 *who holds the vehicle for resale and operates the*
34 *vehicle only for purposes incident to a resale and*
35 *displays a dealer plate on the vehicle or does not*
36 *drive such vehicle or permit it to be driven upon*
37 *the highways, such transferee shall not be required*
38 *to obtain [transfer of] a new registration or a new*
39 *certificate of title but upon transferring title or*
40 *interest to another person shall execute and*
41 *acknowledge an assignment and warranty of title upon*
42 *the certificate of title assigned to the person and*
43 *deliver the same to the person to whom such transfer*
44 *is made. The dealer shall also sign the reverse side*
45 *of the registration card for such vehicle indicating*
46 *the name and address of the new purchaser.*

47 *2. Any foreign registered vehicle purchased or*

48 otherwise acquired by a dealer for the purpose of
49 resale shall be issued a certificate of title thereto
50 by the county treasurer of the dealer's residence

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1 upon proper application therefor as provided in this
2 chapter and upon payment of a fee of two dollars and
3 such dealer shall be exempt from the payment of any
4 and all registration fees for such vehicle. Such
5 application for certificate of title shall be made
6 within forty-eight hours after said vehicle comes
7 within the border of the state.

8 3. [Whenever a dealer purchases or otherwise
9 acquires a vehicle registered in this state he shall
10 issue a signed receipt to the previous owner,
11 indicating the date of purchase or acquisition, the
12 name and address of such previous owner and the
13 registration number of the vehicle purchased or
14 acquired. The original receipt shall be delivered
15 to the owner on the date of purchase or acquisition
16 and two copies shall be mailed or delivered by the
17 dealer to the county treasurer of his residence within
18 forty-eight hours after purchase or acquisition.
19 The county treasurer shall forward one copy to the
20 department. Forms for such receipts shall be furnished
21 by the department.] *In a transaction in which a vehicle*
22 *is traded to a dealer as defined in chapter 322 or*
23 *chapter 322C toward the purchase price of another*
24 *vehicle and each vehicle is owned in whole or in part*
25 *by the same person, the person acquiring the vehicle*
26 *from the dealer shall be entitled to a credit under*
27 *section 321.46.*

28 4. Nothing in this section shall be construed
29 to prohibit a dealer from obtaining a new certificate
30 of title [and transfer of] or new registration in the
31 same manner as other purchasers.

32 Sec. 9. Section 321.51, subsection 4, Code 1981,
33 as amended by Acts of the Sixty-ninth General Assembly,
34 1981 Session, chapter 102, section 2, is amended to
35 read as follows:

36 4. Except as provided in section 321.52, the
37 county treasurer of the county of residence of the
38 transferee upon receipt of the application for a new
39 certificate of title, the appropriate fee, and the
40 affidavit as provided in subsection 2, and when
41 satisfied as to the genuineness and regularity of
42 the application, shall issue a restricted certificate
43 of title to the applicant but shall not issue

44 registration plates or a registration card. A
45 restricted certificate of title shall be coded in
46 the manner prescribed by the department and shall
47 be red in color and shall have conspicuously imprinted
48 thereon in bold print, in a manner prescribed by the
49 department, the words "RESTRICTED CERTIFICATE OF
50 TITLE--CANNOT BE REGISTERED AND OPERATED ON THE

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1 HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF
2 INSPECTION EXCEPT AS PROVIDED IN SECTION 321.51 OF
3 THE CODE OF IOWA." A county treasurer may also issue
4 a restricted certificate of title which is not red
5 in color but shall have the words "RED TITLE" in bold
6 letters and the words "RESTRICTED--CANNOT BE REGISTERED
7 WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION"
8 stamped on the face of the title in red ink. At the
9 time the transferee surrenders a valid approved
10 certificate of inspection and the restricted
11 certificate of title to the county treasurer of the
12 county of residence, the county treasurer, upon payment
13 of the appropriate fees, shall issue a certificate
14 of title that is not restricted for the vehicle and
15 shall also issue a registration card and registration
16 plates to the applicant if the applicant is not in
17 possession of registration plates which may be attached
18 to the vehicle[, however]. *The registration fee shall*
19 *be prorated for the remaining unexpired months of*
20 *the registration year. However, if the registration*
21 *fee for the vehicle has been paid for the current*
22 *year, the county treasurer shall issue a registration*
23 *card and registration plates to the applicant if the*
24 *applicant is not in possession of registration plates*
25 *which may be attached to the vehicle upon payment*
26 *of an additional registration fee of five dollars.*
27 A vehicle with a restricted certificate of title shall
28 not have a registration plate attached to the vehicle.
29 Sec. 10. Section 321.70, Code 1981, is amended
30 by striking the section and inserting in lieu thereof
31 the following:
32 321.70 DEALER VEHICLES. A dealer registered under
33 this chapter shall not be required to register any
34 vehicle owned by the dealer which is being held for
35 sale or trade, provided the registration fee was not
36 delinquent at the time the vehicle was acquired by
37 the dealer. When a dealer ceases to hold any vehicle
38 for sale or trade or the vehicle otherwise becomes
39 subject to registration under this chapter the

40 registration fee and delinquent registration fee,
41 if any, shall be due for the registration year.
42 Sec. 11. Section 321.105, unnumbered paragraph
43 1, Code 1981, is amended to read as follows:
44 An annual registration fee shall be paid for each
45 vehicle operated upon the public highways of this
46 state unless the vehicle is specifically exempted
47 under [the provisions of] this chapter. If a vehicle,
48 which has been registered for the *current registration*
49 year, is transferred during the registration year,
50 the transferee shall reregister the vehicle as provided

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1 in section 321.46 [without payment of an additional
2 annual registration fee].
3 Sec. 12. Section 321.106, Code 1981, is amended
4 by striking the section and inserting in lieu thereof
5 the following:
6 **321.106 REGISTRATION FOR FRACTIONAL PART OF YEAR.**
7 When a vehicle is registered under chapter 326 or
8 a motor truck, truck tractor, or road tractor is
9 registered for a combined gross weight exceeding five
10 tons and there is no delinquency and the registration
11 is made in February or succeeding months through
12 November, the registration fee shall be computed on
13 the basis of one-twelfth of the annual registration
14 fee multiplied by the number of unexpired months of
15 the year. A fee shall not be required for the month
16 of December for a vehicle registered on a calendar
17 year basis on which there is no delinquency. A fee
18 shall not be required for the month of the owner's
19 birthday for a vehicle on which there is no
20 delinquency. Whenever any fee computed under this
21 section contains a fractional part of a dollar, the
22 fee shall be computed to the nearest whole dollar.
23 A fee computed under this section shall not be less
24 than five dollars. The fee so computed shall be
25 deemed to be the annual registration fee for the
26 remainder of the registration year.
27 A reduction in the registration fee shall not be
28 allowed by the department until the applicant files
29 satisfactory evidence to prove that there is no
30 delinquency in registration.
31 Sec. 13. Section 321.112, Code 1981, is amended
32 to read as follows:
33 **321.112 MINIMUM MOTOR VEHICLE FEE.** No motor
34 vehicle, [regardless of age.] except as provided in
35 [section] sections 321.115 and 321.117 shall be

36 registered for a [full] *registration* year for less than
37 ten dollars.

38 Sec. 14. Section 321.113, Code 1981, is amended
39 to read as follows:

40 321.113 AUTOMATIC REDUCTION. After [said] *a* motor
41 vehicle [has been registered] *is more than* five [times]
42 *model years old*, that part of the registration fee
43 which is based on the value of the vehicle shall be:

44 Seventy-five percent of the rate as fixed when
45 new;

46 After *a motor vehicle is more than* six [times] *model*
47 *years old*, fifty percent;

48 After *a motor vehicle is more than* eight [times]
49 *model years old*, that part of the registration fee
50 based on the value of [said] *the* vehicle shall be ten

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1 percent. Where the ninth registration fee for a motor
2 vehicle has been computed and fixed by the department
3 prior to July 4, 1949, there shall be added to [such]
4 *the* registration fee, in lieu of the ten percent
5 provided for herein, one dollar if such registration
6 fee has been computed and fixed at fifteen dollars
7 or less and two dollars if [such] *the* registration fee
8 has been computed and fixed at more than fifteen
9 dollars.

10 Sec. 15. Section 321.116, Code 1981, is amended
11 to read as follows:

12 321.116 ELECTRIC AUTOMOBILES. For all electric
13 motor vehicles the annual fee shall be twenty-five
14 dollars. When any electric motor vehicle [has been
15 registered] *which is more than* five [times] *model years*
16 *old* the annual registration fee shall be fifteen
17 dollars.

18 Sec. 16. Section 321.117, Code 1981, is amended
19 to read as follows:

20 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.

21 For all motorcycles the annual fee shall be ten
22 dollars. For all motorized bicycles the annual fee
23 shall be five dollars. When [said] *the* motorcycle [has
24 been registered] *is more than* five [times] *model years*
25 *old*, the annual registration fee shall be five dollars.
26 The annual registration fee for ambulances and hearses
27 shall be fifty dollars. Passenger car plates shall
28 be issued for ambulances and hearses.

29 Sec. 17. Section 321.121, Code 1981, as amended
30 by Acts of the Sixty-ninth General Assembly, Second
31 Extraordinary 1981 Session, chapter 2, section 6,

32 is amended to read as follows:

33 321.121 SPECIAL TRUCKS FOR FARM USE. The
34 registration fee for a special truck shall be *eighty*
35 *dollars for a gross weight of six tons, one hundred*
36 *dollars for a gross weight of seven tons, one hundred*
37 *dollars for a gross weight of eight tons, and*
38 *in addition, fifteen dollars for each ton over eight*
39 *tons and not exceeding eighteen tons. The registration*
40 *fee for a special truck with a gross weight*
41 *registration exceeding eighteen tons but not exceeding*
42 *nineteen tons shall be three hundred twenty-five*
43 *dollars and for a gross weight registration exceeding*
44 *nineteen tons but not exceeding twenty tons the*
45 *registration fee shall be three hundred seventy-five*
46 *dollars. Any person convicted of using a truck*
47 *registered as a special truck for any purpose other*
48 *than permitted by section 321.1, subsection 71, shall,*
49 *in addition to any other penalty imposed by law, be*
50 *required to pay regular motor truck registration fees*

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1 upon such truck.

2 Sec. 18. Section 321.122, subsection 1, paragraph
3 a, Code 1981, is amended to read as follows:

4 a. For a combined gross weight of three tons or
5 less forty-five dollars and [after] *a vehicle which*
6 *is more than ten [full registrations] model years old*
7 *thirty-five dollars.*

8 Sec. 19. Section 321.123, subsection 1, unnumbered
9 paragraph 2, Code 1981, is amended to read as follows:

10 Travel trailers and fifth-wheel travel trailers,
11 except those in manufacturer's or dealer's stock,
12 an annual fee of twenty cents per square foot of floor
13 space computed on the exterior overall measurements,
14 but excluding three feet occupied by any trailer hitch
15 as provided by and certified to by the owner, to the
16 nearest whole dollar, which amount shall not be
17 prorated or refunded; except the annual fee for travel
18 trailers of any type, when registered in Iowa for
19 the first time or when removed from a manufacturer's
20 or dealer's stock, shall be prorated on a monthly
21 basis. The registrant of a travel trailer of any
22 type shall be issued a "travel trailer" plate. It
23 is further provided the annual fee thus computed shall
24 be limited to seventy-five percent of the full fee
25 after the [sixth registration] *the vehicle is more than*
26 *six model years old.*

27 Sec. 20. Section 321.124, subsection 3, Code 1981,

28 is amended to read as follows:

29 3. The annual registration fee for motor homes
30 and multipurpose vehicles is as follows:

31 a. For class "A" motor homes with a list price
32 of thirty-five thousand dollars or more as certified
33 to the department by the manufacturer, four hundred
34 dollars for [the first five registrations] *registration*
35 *each year through five model years* and three hundred
36 dollars for each succeeding registration.

37 b. For class "A" motor homes with a list price
38 of twenty thousand dollars or more but less than
39 thirty-five thousand dollars as certified to the
40 department by the manufacturer, one hundred forty
41 dollars for [the first five registrations] *registration*
42 *each year through five model years* and one hundred
43 five dollars for each succeeding registration.

44 c. For class "A" motor homes with a list price
45 of less than twenty thousand dollars as certified
46 to the department by the manufacturer, one hundred
47 twenty dollars for [the first five registrations]
48 *registration each year through five model years* and
49 eighty-five dollars for each succeeding registration.

50 d. For a class "A" motor home which is a passenger-

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1 carrying bus which has been registered at least five
2 times as a motor truck and which has been converted,
3 modified or altered to provide temporary living
4 quarters, ninety dollars for [the first ten
5 registrations] *registration each year through five*
6 *model years* and sixty-five dollars for each succeeding
7 registration. In computing the number of
8 registrations, the registrations shall be cumulative
9 beginning with the registration of the class "A" motor
10 home as a motor truck prior to its conversion,
11 modification, or alteration to provide temporary
12 living quarters.

13 e. For class "B" motor homes, ninety dollars for
14 [the first five registrations] *registration each year*
15 *through five model years* and sixty-five dollars for
16 each succeeding registration.

17 f. For class "C" motor homes, one hundred ten
18 dollars for [the first five registrations] *registration*
19 *each year through five model years* and eighty dollars
20 for each succeeding registration.

21 g. For multipurpose vehicles, seventy-five dollars
22 for [the first five registrations] *registration each*
23 *year through five model years* and fifty-five dollars

24 for each succeeding registration.

25 Sec. 21. Section 321.126, unnumbered paragraph
26 1 and subsections 2, 3, and 4, Code 1981, are amended
27 to read as follows:

28 Refunds of *current registration fees* [previously]
29 paid for the registration of motor vehicles shall
30 be allowed in accordance with this section, except
31 that no refund shall be allowed and paid if the unused
32 portion of the fee is less than five dollars.

33 *Subsections 1 and 2 shall not apply to motor vehicles*
34 *registered by the county treasurer.* [Such] *The* refunds
35 shall be made as follows:

36 2. If the motor vehicle is stolen, the owner shall
37 give notice of the theft to the [county treasurer]
38 *department* within five days[, who in turn shall notify
39 the department]. If the motor vehicle is not recovered
40 by the owner [before December 1 of the year for which
41 the registration fee was paid] *thirty days prior to*
42 *the end of the current registration year*, the owner
43 shall make a statement of the theft and make claim
44 for refund.

45 3. If the motor vehicle is placed in storage by
46 the owner upon the owner's entry into the military
47 service of the United States, the owner shall return
48 the plates to the county treasurer or the department
49 and make a statement regarding [such] *the* storage and
50 military service and make claim for refund. Whenever

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1 the owner of a motor vehicle so placed in storage
2 desires to again register [such] *the* vehicle, the county
3 treasurer or department shall compute and collect
4 the fees for registration [in accordance with section
5 321.106] *for the registration year commencing in the*
6 *month the vehicle is removed from storage.*

7 4. If the motor vehicle is registered by the
8 county treasurer during the *current* registration year
9 and the owner or lessee registers the vehicle for
10 prorated under chapter 326, the owner of the registered
11 vehicle shall surrender the registration plates to
12 the county treasurer and may file a claim for refund.

13 Sec. 22. Section 321.126, subsection 1, Code 1981,
14 is amended by striking the subsection and inserting
15 in lieu thereof the following:

16 1. If the motor vehicle is destroyed by fire or
17 accident, or junked and its identity as a motor vehicle
18 entirely eliminated, the owner in whose name the motor
19 vehicle was registered at the time of destruction

20 or dismantling shall return the plates to the
21 department and within thirty days thereafter make
22 a statement of such destruction or dismantling and
23 make claim for refund. With reference to the
24 destruction or dismantling of a vehicle, no refund
25 shall be allowed unless a junking certificate has
26 been issued, as provided in section 321.52.

27 Sec. 23. Section 321.127, Code 1981, as amended
28 by Acts of the Sixty-ninth General Assembly, 1981
29 Session, chapter 104, section 1, is amended to read
30 as follows:

31 321.127 AMOUNT OF REFUND. [For December and each
32 succeeding month the] *The* refund for motor vehicles
33 shall be computed on the basis of one-fourth of the
34 annual registration fee multiplied by the number of
35 remaining quarters of the *registration* year from date
36 of filing of the claim for refund with the county
37 treasurer, computed to the nearest quarter dollar.
38 The department, unless reasonable grounds exist for
39 delay, shall make refund on or before the fifteenth
40 day of the quarter following the quarter in which
41 the claim is filed with the department. For trailers
42 or semitrailers issued a multiyear registration plate
43 a refund shall be paid equal to the annual fee for
44 twelve months times the remaining number of complete
45 [calendar] *registration* years. Refunds for motor
46 vehicles registered for prorate under chapter 326
47 shall be paid on the basis of unexpired complete
48 calendar months remaining from the date the claim
49 is filed with the department.

50 Sec. 24. Section 321.132, Code 1981, is amended

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1 to read as follows:

2 321.132 WHEN LIEN ATTACHES. The lien of the
3 original registration fee [shall attach] *attaches*, at
4 the time the [same] *fee* is first payable, as provided
5 by law, and the lien of all renewals of registration
6 [shall] attach on [January 1 of each year thereafter]
7 *the first day of each succeeding registration year.*

8 Sec. 25. Section 321.134, Code 1981, is amended
9 by striking the section and inserting in lieu thereof
10 the following:

11 321.134 MONTHLY PENALTY. On the first day of
12 the second month following the beginning of each
13 registration year a penalty of five percent of the
14 annual registration fee shall be added to the
15 registration fees not paid by that date and an

16 additional penalty of five percent shall be added
17 the first day of each succeeding month, until the
18 fee is paid. A penalty shall not be less than five
19 dollars. If the owner of a vehicle surrenders the
20 registration plates for a vehicle prior to the time
21 they expire, to the county treasurer of the county
22 where the vehicle is registered, or to the department
23 if the vehicle is registered under chapter 326, the
24 owner may register the vehicle any time thereafter
25 upon payment of the registration fee for the
26 registration year without penalty. The penalty on
27 vehicles registered under chapter 326 shall accrue
28 February 1 of each year.

29 The annual registration fee for trucks, truck
30 tractors, and road tractors, as provided in sections
31 321.121 and 321.122, may be payable in two equal
32 semiannual installments if the annual registration
33 fee exceeds the registration fee for a vehicle with
34 a gross weight exceeding five tons. The penalties
35 provided in the preceding unnumbered paragraph shall
36 be computed on the amount of the first installment
37 only and on the first day of the seventh month of
38 the registration period the same rate of penalty shall
39 apply to the second installment, until the fee is
40 paid. Semiannual installments shall not apply to
41 commercial vehicles subject to proportional
42 registration, with a base state other than the state
43 of Iowa, as defined in section 326.2, subsection 6.
44 The penalty on vehicles registered under chapter 326
45 shall accrue August 1 of each year.

46 If a penalty applies to any vehicle registration
47 fee provided for in sections 321.121 and 321.122,
48 the same penalty shall be assessed on the fees
49 collected to increase the registered gross weight
50 of the vehicle, if the increased gross weight is

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1 requested within forty-five days from the date the
2 delinquent vehicle is registered for the current
3 registration period.

4 Sec. 26. Section 321.149, Code 1981, is amended
5 to read as follows:

6 321.149 BLANKS. The department shall not later
7 than November 15 of each year prepare and furnish
8 the treasurer of each county all blank books, blank
9 forms, and all supplies required for the administration
10 of this chapter, including applications for
11 registration and transfer of vehicles, [quadruple]

12 *quintuple* receipts, and original remittance sheets
 13 to be used in remitting fees to the department, in
 14 such form as the department may prescribe. Contracts
 15 for [such] *the* blank books, blank forms, and supplies
 16 shall be awarded by the [state] *superintendent of*
 17 printing [board] to persons, firms, partnerships, or
 18 corporations engaged in the business of printing in
 19 Iowa unless, or through them, [such] *the* persons, firms,
 20 partnerships or corporations cannot provide the
 21 required printing set forth in this section. In lieu
 22 of purchasing under competitive bids the [state]
 23 *superintendent of* printing [board] shall have authority
 24 to arrange with the director of the division of
 25 corrections of the department of social services to
 26 furnish [such] *the* supplies as can be made in the state
 27 institutions.

28 Sec. 27. Section 321.166, subsection 2, Code 1981,
 29 is amended to read as follows:

30 2. Every registration plate or pair of plates
 31 shall display a registration plate number which shall
 32 consist of alphabetical or numerical characters or
 33 a combination thereof and the name of this state,
 34 which may be abbreviated. Every registration plate
 35 issued by the county treasurer shall display the name
 36 of the county except plates issued for motor trucks
 37 *with a combined gross weight exceeding five tons,*
 38 truck tractors, motorcycles, motorized bicycles,
 39 travel trailers, mobile homes, semitrailers and
 40 trailers. The year of expiration or the date of
 41 expiration shall be displayed on vehicle registration
 42 plates, except plates issued under [the provisions
 43 of] section 321.19. Registration plates issued for
 44 motor trucks and truck tractors shall be designed
 45 in such a manner that the gross weight for which the
 46 vehicle is registered may be displayed on the plate.
 47 Special truck registration plates shall display the
 48 word "special".

49 Sec. 28. Section 321.166, Code 1981, is amended
 50 by adding the following new subsection:

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1 **NEW SUBSECTION.** The month of expiration of
 2 registration, which may be abbreviated, shall be
 3 displayed on vehicle registration plates issued by
 4 the county treasurer. A distinctive emblem or
 5 validation sticker may be prescribed by the department
 6 to designate the month of expiration which shall be
 7 attached to the embossed area on the plate located

8 at the lower corners of the registration plate.

9 Sec. 29. Section 321.167, Code 1981, is amended
10 by striking the section and inserting in lieu thereof
11 the following:

12 321.167 DELIVERY OF PLATES, STICKERS, AND EMBLEMS.

13 The department, upon requisition by the county
14 treasurer, shall provide vehicle registration plates,
15 validation stickers, and emblems as required for the
16 administration of this chapter. Vehicle registration
17 plates and validation stickers shall be provided to
18 the county treasurer in numerical sequence.

19 Sec. 30. Section 321.466, subsection 2, Code 1981,
20 is amended by striking the subsection.

21 Sec. 31. Section 321.466, subsections 3 and 4,
22 Code 1981, are amended to read as follows:

23 3. [On] *During* or after [July 1 of each year] *the*
24 *seventh month of a current registration year*, the
25 owner of a motor truck, truck tractor, road tractor,
26 semitrailer or trailer may, if [his] *the owner's*
27 operation [thereof] has not resulted in a conviction
28 or *action pending* under this section [or an action
29 then pending against him for violation of the same],
30 increase the gross [load] *weight* of [any such] *the* vehicle
31 to a higher gross weight classification by payment
32 of one-twelfth of the difference between the annual
33 fee for the higher gross weight and the amount of
34 the fee for the gross weight at which it is registered,
35 multiplied by the number of unexpired months of the
36 *registration year*.

37 4. Upon conversion of a truck to a truck tractor
38 or a truck tractor to a truck, an increased gross
39 weight registration of the proper type may be obtained
40 for [any such] *the* vehicle by payment, except as provided
41 in section 321.106, of one-twelfth of the difference
42 between the annual fee for the higher gross weight
43 and the amount of the annual fee for the gross weight
44 at which the vehicle is registered, multiplied by
45 the number of unexpired months of the *registration*
46 year from the date of [such] *the* conversion.

47 Sec. 32. Section 805.8, subsection 2, paragraph
48 b, Code 1981, as amended by Acts of the Sixty-ninth
49 General Assembly, 1981 Session, chapter 103, section
50 9, is amended to read as follows:

Page 15

1 b. For registration violations under sections
2 321.32, 321.34, 321.37, 321.38, and 321.41 the
3 scheduled fine is five dollars. [For violations of

4 sections 321.34 and 321.37 the case shall be dismissed
5 without imposition of fine or costs if a license or
6 registration valid at the time of the issuance of
7 the citation is presented by the defendant to the
8 magistrate or scheduled violations office.]

9 Sec. 33. Chapter 321, Code 1981, is amended by
10 adding the following new section:

11 *NEW SECTION. MULTIPLE REGISTRATION PERIODS AND*
12 *ADJUSTMENTS.*

13 1. There are established twelve registration
14 periods for the registration of vehicles by the county
15 treasurer. Each registration period shall commence
16 on the first day of each calendar month following
17 the month of the birth of the owner of the vehicle
18 and end on the last day of the twelfth month. Every
19 vehicle registered by the county treasurer shall be
20 registered for a full twelve-month period, except
21 mobile homes that are registered on a semiannual basis
22 and trucks with a gross weight exceeding five tons
23 which may be registered on a semiannual basis.

24 2. The county treasurer may adjust the renewal
25 or expiration date of vehicles when deemed necessary
26 to equalize the number of vehicles registered in each
27 twelve-month period or for the administrative
28 efficiency of the county treasurer's office. The
29 adjustment shall be accomplished by delivery of a
30 written notice to the vehicle owner of the adjustment
31 and allowance of a credit for the remaining months
32 of the unused portion of the registration fee, rounded
33 to the nearest whole dollar, which amount shall be
34 deducted from the annual registration fee due at the
35 time of registration. Upon receipt of the notification
36 the owner shall, within thirty days, surrender the
37 registration card and registration plates to the
38 county treasurer of the county where the vehicle is
39 registered, except that the registration plates shall
40 not be surrendered if validation stickers or other
41 emblems are used to designate the month and year of
42 expiration of registration. Upon payment of the
43 annual registration fee, less the credit allowed for
44 the remaining months of the unused portion of the
45 registration fee, the county treasurer shall issue
46 a new registration card and registration plates,
47 validation stickers, or emblems which indicate the
48 month and year of expiration of registration.

49 3. Vehicles subject to registration which are
50 owned by a person other than a natural person shall

2 by the county treasurer.

3 Sec. 34. Chapter 321, Code 1981, is amended by
4 adding the following new section:

5 *NEW SECTION. IMPLEMENTATION OF TWELVE-MONTH*
6 *REGISTRATION PERIOD.* To implement the change from
7 calendar year registration to the system provided
8 for in section 33 of this Act, the vehicles registered
9 by the county treasurer on or after December 1, 1983,
10 shall be registered as follows:

11 1. Vehicle registrations which are not delinquent
12 may be registered on or after December 1, 1983 up
13 to and including January 31, 1984 without penalty.
14 Registration fees paid on or after February 1, 1984
15 shall be subject to a penalty equal to five percent
16 of the annual registration fee and an additional
17 penalty of five percent shall be added the first day
18 of each succeeding month, until the fee is paid.

19 2. Vehicles shall be registered for the
20 registration year as defined in section 1 of this
21 Act. If the registration year of the vehicle is for
22 a period of less than twelve months, the registration
23 fee shall be prorated for the remaining unexpired
24 months, except as provided in subsection 3.

25 3. The owner of a vehicle for which the
26 registration year begins on February 1 may elect to
27 register the vehicle for a period of one month or
28 thirteen months. The owner of a vehicle for which
29 the registration year begins on March 1 may elect
30 to register the vehicle for a period of two months
31 or fourteen months. The owner of a vehicle for which
32 the registration year begins on April 1 may elect
33 to register the vehicle for a period of three months
34 or fifteen months.

35 Sec. 35. Section 27 of this Act which requires
36 the issuance of registration plates which display
37 the name of the county for motor trucks with a combined
38 gross weight of five tons or less and section 28 of
39 this Act which requires an embossed area on the lower
40 corners of the registration plate shall take effect
41 for the next registration year for which the department
42 issues new registration plates and shall apply
43 thereafter.

44 Sec. 36. Sections 321.69, 321.107, and 321.114,
45 Code 1981, are repealed.

46 Sec. 37. This Act takes effect December 1, 1983."

47 2. Amend the title, lines 1 and 2, by striking
48 the words "and licensing for the operation of".

S-5115

- 1 Amend House File 2171, as amended, passed, and
- 2 reprinted by the House, as follows:

DIVISION S—5115A

- 3 1. Page 1, line 11, by inserting after the word
- 4 “nonresident” the words “, including resident and
- 5 nonresident estates and trusts,”.
- 6 2. Page 1, line 12, by inserting after the word
- 7 “preference” the word “items”.
- 8 3. Page 1, line 20, by striking the word
- 9 “preferences” and inserting in lieu thereof the word
- 10 “preference items”.

DIVISION S—5115B

- 11 4. By striking page 2, line 28 through page 3,
- 12 line 10.

DIVISION S—5115C

- 13 5. Page 3, by striking lines 11 through 27.

DIVISION S—5115D

- 14 6. By striking page 3, line 28 through page 4,
- 15 line 16.

DIVISION S—5115E

- 16 7. Page 4, by inserting after line 16 the following
- 17 new section:
- 18 “Sec. 10. Section 422.7, Code 1981, is amended
- 19 by adding the following new subsection:
- 20 *NEW SUBSECTION.* Add the amounts deducted as a
- 21 result of the treatment provided sale-leaseback
- 22 agreements under section 168(f)(8) of the Internal
- 23 Revenue Code of 1954 to the extent that the amounts
- 24 deducted are not otherwise deductible under the
- 25 provisions of the Internal Revenue Code of 1954.”

DIVISION S—5115F

- 26 8. Page 5, by striking lines 21 through 35 and
- 27 inserting in lieu thereof the following new section:
- 28 “Sec. 14. Section 422.33, unnumbered paragraph
- 29 4, Code 1981, is amended to read as follows:

30 On taxable income [of] *between one hundred thousand*
31 *dollars [or more] and two hundred fifty thousand dollars*
32 *or any part thereof*, the rate of ten percent.

33 *On taxable income of two hundred fifty thousand*
34 *dollars or more, the rate of twelve percent."*

DIVISION S—5115E (cont'd.)

35 9. Page 6, by inserting after line 9 the following
36 new section:

37 "Sec. 16. Section 422.35, Code 1981, is amended
38 by adding the following new subsection:
39 *NEW SUBSECTION.* Add the amounts deducted as a
40 result of the treatment provided sale-leaseback
41 agreements under section 168(f)(8) of the Internal
42 Revenue Code of 1954 to the extent that the amounts
43 deducted are not otherwise deductible under the other
44 provisions of the Internal Revenue Code of 1954."

DIVISION S—5115A (cont'd.)

45 10. Page 6, by inserting after line 9 the following
46 new section:

47 "Sec. 17. Section 422.60, Code 1981, is amended
48 by adding the following new unnumbered paragraph:
49 *NEW UNNUMBERED PARAGRAPH.* In addition to all taxes
50 imposed under this division, there is imposed upon

Page 2

DIVISION S—5115A (cont'd.)

1 each financial institution doing business within the
2 state a state minimum tax for tax preference items
3 equal to twenty-five percent of the state's apportioned
4 share of the federal minimum tax. The state's
5 apportioned share of the federal minimum tax is a
6 percent equal to the ratio of the federal minimum
7 tax on preferences attributable to Iowa to the federal
8 minimum tax on all preferences. The director shall
9 prescribe rules for the determination of the amount
10 of the federal minimum tax on preferences attributable
11 to Iowa which shall be based as much as equitably
12 possible on the allocation and apportionment provisions
13 of section 422.63. For purposes of this subsection,
14 "federal minimum tax" means the federal minimum tax
15 for tax preferences computed under sections 55 through
16 58 of the Internal Revenue Code of 1954 for the tax
17 year."

DIVISION S—5115G

18 11. Page 8, lines 26 through 31, by striking the
 19 words “, provided that if sufficient funds are not
 20 appropriated to pay in full the amounts certified
 21 to the state comptroller pursuant to section 19 of
 22 this Act, the state comptroller shall prorate the
 23 appropriation among the county treasurers and notify
 24 the county treasurers of the prorate percentage on
 25 or before September 1”.

DIVISION S—5115H

26 12. Page 10, line 35, by striking the word “may”
 27 and inserting in lieu thereof the word “shall”.

DIVISION S—5115I

28 13. Page 11, line 3, by striking the figure “4,”
 29 and inserting in lieu thereof the figure “5.”

DIVISION S—5115E (cont'd.)

30 14. Page 11, line 3, by striking the word and
 31 figures “12, and 14” and inserting in lieu thereof
 32 the word and figures “10, 12, 14, and 16”.

DIVISION S—5115I (cont'd.)

33 15. Page 11, line 6, by striking the figure “5,”
 34 and inserting in lieu thereof the figure “4.”

DIVISION S—5115A (cont'd.)

35 16. Page 11, line 6, by inserting after the figure
 36 “13,” the figure “17.”

DIVISION S—5115F (cont'd.)

37 17. Amend the title, lines 7 through 9, by striking
 38 the words “reducing the deduction for federal taxes
 39 from state corporate taxable income” and inserting
 40 in lieu thereof the words “increasing the state
 41 corporate tax rates”.

42 18. Renumber sections and correct internal
 43 references as are necessary in accordance with this
 44 amendment.

S-5116

1 Amend S-5092, filed by the Committee on Ways and
2 Means, to Senate File 2088 as follows:
3 1. Page 1, by striking lines 21 and 22 and
4 inserting in lieu thereof the following: "*district's*
5 *actual unencumbered balance for the previous fiscal*
6 *year, less the district's actual unspent balance for*
7 *the previous fiscal year determined under chapter*
8 *442. The estimated*".
9 2. Page 1, by inserting after line 29 the
10 following:
11 "____ Page 1, line 10, by inserting after the
12 word "fund." the following: "The amount raised for
13 a necessary cash reserve does not increase a school
14 district's authorized expenditures as defined in
15 section 442.5, subsection 2."

ARTHUR L. GRATIAS

S-5117

1 Amend the Committee amendment S-5115 to House
2 File 2171 as amended, passed and reprinted by the
3 House as follows:
4 1. Page 2, line 15, by inserting after the word
5 "computed" the words "and paid or payable".
6 2. Page 2, lines 16 and 17, by striking the
7 words "for the tax year" and inserting in lieu thereof
8 the words ", as amended to and including January 1,
9 1982".

MICK LURA

S-5118

1 Amend the Committee Amendment S-5115 to House File
2 2171 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 1, by striking lines 14 and 15 and inserting
5 in lieu thereof the following:
6 "6. Page 4, by striking lines 10 through 16 and
7 inserting in lieu thereof the following: "1981. The
8 maximum allowable deduction, other than for travel
9 expense, shall not exceed fifty dollars per day, where
10 the taxpayer elects on the Iowa return to be governed
11 by Section 604 of the tax reform Act of 1976, as
12 amended up to and including December 31, 1980, unless

13 the taxpayer itemized expenses.”.”.

RAY TAYLOR
SUE YENGER
JACK W. HESTER
ELVIE L. DREESZEN
RICHARD VANDE HOEF

S-5119

1 Amend Senate File 2088 as follows:
2 1. Page 1, line 10, by inserting after the word
3 “reserve” the words “, as defined in section 8.6,
4 subsection 4, paragraph c.”.
5 2. Page 1, line 10, by inserting after the word
6 “fund.” the following: “The amount raised by the
7 cash reserve levy shall not exceed an amount which
8 when added to the amount of a district’s cash reserve
9 at the close of the previous fiscal year equals seven
10 and one-half percent of the authorized budget of the
11 school district, as defined in section 442.5, for
12 the school year in which the levy is certified.”

BERL E. PRIEBE

S-5120

1 Amend House File 2171 as amended, passed and
2 reprinted by the House, as follows:

DIVISION S—5120B

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 “Section 1. Section 422.4, subsection 17, Code
6 1981, as amended by Acts of the Sixty-ninth General
7 Assembly, 1981 Session, chapter 132, section 2, is
8 amended to read as follows:
9 17. “Internal Revenue Code of 1954” means the
10 Internal Revenue Code of 1954, as amended to and
11 including January 1, [1981] 1982.
12 Sec. 2. Section 422.5, Code 1981, is amended by
13 adding the following new unnumbered paragraph:
14 *NEW UNNUMBERED PARAGRAPH.* In addition to all taxes
15 imposed under this division, there is imposed upon
16 every resident and nonresident of this state a state
17 minimum tax for tax preference equal to twenty-five
18 percent of the state’s apportioned share of the federal
19 minimum tax. The state’s apportioned share of the
20 federal minimum tax is one hundred percent in the

21 case of a resident and in the case of a nonresident
22 a percent equal to the ratio of the federal minimum
23 tax on preferences attributable to Iowa to the federal
24 minimum tax on all preferences. The director shall
25 prescribe rules for the determination of the amount
26 of the federal minimum tax on preferences attributable
27 to Iowa which shall be based as much as equitably
28 possible on the allocation provisions of section
29 422.8, subsections 2 and 3. For purposes of this
30 paragraph, "federal minimum tax" means the federal
31 minimum tax for tax preferences computed under sections
32 55 through 58 of the Internal Revenue Code of 1954
33 for the tax year.

34 Sec. 3. Section 422.7, subsection 8, Code 1981,
35 is amended to read as follows:

36 8. Married taxpayers who file a joint federal
37 income tax return and who elect to file separate
38 returns or separate filing on a combined return for
39 Iowa income tax purposes, may avail themselves of
40 the [additional first-year depreciation] *expensing of*
41 *business assets* and capital loss provisions of sections
42 179(a) and 1211(b) respectively of the Internal Revenue
43 Code of 1954 and shall compute the amount of [additional
44 first-year depreciation] *expensing of business assets*
45 and capital loss subject to the limitations for joint
46 federal income tax return filers provided by sections
47 179(b) and 1211(b) respectively of the Internal Revenue
48 Code of 1954.

49 Sec. 4. Section 422.7, Code 1981, is amended by
50 adding the following new subsection:

Page 2

DIVISION S—5120B (cont'd.)

1 *NEW SUBSECTION.* Married taxpayers, who file a
2 joint federal income tax return and who elect to file
3 separate returns or separate filing on a combined
4 return for state income tax purposes, may avail
5 themselves of the dividend exclusion provisions of
6 section 116(a) of the Internal Revenue Code of 1954
7 and shall compute the dividend exclusion subject to
8 the limitations for joint federal income tax return
9 filers provided by section 116(a) of the Internal
10 Revenue Code of 1954.

11 Sec. 5. Section 422.7, Code 1981, is amended by
12 adding the following new subsection:

13 *NEW SUBSECTION.* The exclusion of interest income
14 provided by section 128 of the Internal Revenue Code

15 of 1954 is not applicable in computing Iowa net income
16 for tax years beginning on or after January 1, 1981
17 and before January 1, 1984.

18 Sec. 6. Section 422.7, Code 1981, is amended by
19 adding the following new subsection:

20 *NEW SUBSECTION.* The deduction for a married couple
21 where both persons are wage earners which is provided
22 by section 221 of the Internal Revenue Code of 1954
23 is not applicable in computing Iowa net income for
24 tax years beginning on or after January 1, 1982.

25 Sec. 7. Section 422.7, Code 1981, is amended by
26 adding the following new subsection:

27 *NEW SUBSECTION.* The deduction for contributions
28 to an individual retirement account provided by section
29 219 of the Internal Revenue Code of 1954 is not
30 applicable in computing Iowa net income for tax years
31 beginning on or after January 1, 1982. The deduction
32 for contributions to an individual retirement account
33 provided by section 219 or 220 of the Internal Revenue
34 Code of 1954, as amended up to and including January
35 1, 1981, is allowable in computing Iowa net income
36 for tax years beginning on or after January 1, 1982.
37 Distributions or payments from an individual retirement
38 account shall be included in net income by the payee
39 or distributee in the tax year received. However,
40 that portion of the distribution or payment which
41 has previously been included in Iowa net income under
42 this subsection shall not be included in the payee
43 or distributee's Iowa net income in the tax year
44 received.

45 Sec. 8. Section 422.7, Code 1981, is amended by
46 adding the following new subsection:

47 *NEW SUBSECTION.* The deduction for contributions
48 to a self-employed retirement plan provided by section
49 404 of the Internal Revenue Code of 1954 is not
50 applicable in computing Iowa net income for tax years

Page 3

DIVISION S—5120B (cont'd.)

1 beginning on or after January 1, 1982. The deduction
2 for contributions to a self-employed retirement plan
3 provided by section 404 of the Internal Revenue Code
4 of 1954, as amended up to and including January 1,
5 1981, is allowable in computing Iowa net income for
6 tax years beginning on or after January 1, 1982.
7 Distributions or payments from a self-employed
8 retirement plan shall be included in net income by

9 the payee or distributee in the tax year received.
10 However, that portion of the distribution or payment
11 which has previously been included in Iowa net income
12 under this subsection shall not be included in the
13 payee or distributee's Iowa net income in the tax
14 year received.

15 Sec. 9. Section 422.7, Code 1981, is amended by
16 adding the following new subsection:

17 *NEW SUBSECTION.* The deduction allowed under section
18 162 (h) of the Internal Revenue Code of 1954 is not
19 applicable in computing Iowa net income for any tax
20 year beginning on or before December 31, 1980. The
21 deduction allowed under section 604 of the tax reform
22 Act of 1976, as amended up to and including December
23 31, 1980, is allowable in computing Iowa net income,
24 for tax years beginning on or before December 31,
25 1980, under provisions effective for the year for
26 which the return is made. The deduction allowed under
27 section 162(h) of the Internal Revenue Code of 1954
28 is not applicable in computing Iowa net income for
29 any tax year beginning on or after January 1, 1981.
30 The deduction allowed under section 604 of the tax
31 reform Act of 1976, as amended up to and including
32 December 31, 1980, is allowable in computing Iowa
33 net income for tax years beginning on or after January
34 1, 1981. The maximum allowable deduction, other than
35 for travel expense, shall not exceed the per day
36 expense of office as allowed under section 2.10,
37 subsection 1, where the taxpayer elects on the Iowa
38 return to be governed by section 604 of the tax reform
39 Act of 1976, as amended up to and including December
40 31, 1980 and shall not exceed fifty dollars per day
41 where the taxpayer itemizes expenses.

DIVISION S—5120A

42 Sec.10. Section 422.7, Code 1981, is amended
43 by adding the following new subsection:

44 *NEW SUBSECTION.* The deduction allowable for
45 depreciation under section 168 of the Internal Revenue
46 Code of 1954 is not applicable in computing Iowa net
47 income.

DIVISION S—5120B (cont'd.)

48 Sec. 11. Section 422.9, subsection 2, Code 1981,
49 is amended by adding the following new lettered
50 paragraph:

Page 4

DIVISION S—5120B (cont'd.)

- 1 *NEW LETTERED PARAGRAPH.* Subtract the adoption
2 deduction permitted under section 222 of the Internal
3 Revenue Code of 1954.
- 4 Sec. 12. Section 422.9, subsection 3, paragraphs
5 b and c, Code 1981, are amended to read as follows:
- 6 b. The Iowa net operating loss remaining after
7 being carried back as required in paragraph "a" of
8 this subsection or if not required to be carried back
9 shall be carried forward [seven] *fifteen* taxable years.
- 10 c. If the election under section 172(b)(3)(C)
11 of the Internal Revenue Code of 1954 is made, the
12 Iowa net operating loss shall be carried forward [seven]
13 *fifteen* taxable years.

DIVISION S—5120A (cont'd.)

- 14 Sec. 13. Section 422.12, Code 1981, is amended
15 by adding after subsection 2 the following new
16 subsection:
- 17 *NEW SUBSECTION.* A credit of up to one thousand
18 dollars for each individual recalled, rehired or
19 initially hired for the taxpayer's trade or business
20 who meets the following requirements:
- 21 a. The individual was recalled, rehired or
22 initially hired by the taxpayer between April 1, 1982
23 and December 31, 1982.
- 24 b. The individual was domiciled in this state
25 on the date the individual was recalled, rehired or
26 initially hired.
- 27 c. The individual was employed by the taxpayer
28 for at least forty-five days after April 1, 1982.
- 29 d. During the individual's employment, the
30 individual averaged at least thirty hours of employment
31 a week for the taxpayer.
- 32 e. In the case of an individual who was recalled
33 or rehired, the individual had been laid off for a
34 reason other than a seasonal layoff, other than a
35 regular shut-down of or layoff by the taxpayer's trade
36 or business, or other than for the purpose of taking
37 advantage of this credit.
- 38 The taxpayer's entitled to one-ninth of the maximum
39 amount of credit of one thousand dollars per qualified
40 individual for each full calendar month that the
41 individual is a member of the taxpayer's work force
42 during the period beginning April 1, 1982 and ending

43 on December 31, 1982. If the individual was not a
44 member of the work force for the entire month, the
45 taxpayer is entitled to a pro rata portion of the
46 amount of credit allowed for the month based upon
47 the number of days in the month the individual was
48 a member of the work force. If the amount of credit
49 claimed by the taxpayer exceeds the tax liability
50 of the taxpayer, the excess shall be refunded to the

Page 5

DIVISION S—5120A (cont'd.)

1 taxpayer.

DIVISION S—5120B (cont'd.)

2 Sec. 14. Section 422.32, subsection 4, Code 1981,
3 as amended by Acts of the Sixty-ninth General Assembly,
4 1981 Session, chapter 132, section 7, is amended to
5 read as follows:

6 4. "Internal Revenue Code of 1954" means the
7 Internal Revenue Code of 1954, as amended to and
8 including January 1, [1981] 1982.

9 Sec. 15. Section 422.33, Code 1981, is amended
10 by adding the following new subsection:

11 *NEW SUBSECTION.* In addition to all taxes imposed
12 under this division, there is imposed upon each
13 corporation doing business within the state a state
14 minimum tax for tax preference equal to twenty-five
15 percent of the state's apportioned share of the federal
16 minimum tax. The state's apportioned share of the
17 federal minimum tax is a percent equal to the ratio
18 of the federal minimum tax on preferences attributable
19 to Iowa to the federal minimum tax on all preferences.
20 The director shall prescribe rules for the
21 determination of the amount of the federal minimum
22 tax on preferences attributable to Iowa which shall
23 be based as much as equitably possible on the alloca-
24 tion and apportionment provisions of subsections 1
25 and 2. For purposes of this subsection, "federal
26 minimum tax" means the federal minimum tax for tax
27 preferences computed under sections 55 through 58
28 of the Internal Revenue Code of 1954 for the tax year.

DIVISION S—5120A (cont'd.)

29 Sec. 16. Section 422.33, Code 1981, is amended
30 by adding the following new subsection:

31 *NEW SUBSECTION.* A credit shall be subtracted from
32 the amount of tax computed under the other provisions
33 of this section of up to one thousand dollars for
34 each individual recalled, rehired or initially hired
35 by the taxpayer who meets the following requirements:
36 a. The individual was recalled, rehired or
37 initially hired by the taxpayer between April 1, 1982
38 and December 31, 1982.
39 b. The individual was domiciled in this state
40 on the date the individual was recalled, rehired or
41 initially hired.
42 c. The individual was employed by the taxpayer
43 for at least forty-five days after April 1, 1982.
44 d. During the individual's employment, the
45 individual averaged at least thirty hours of employment
46 a week for the taxpayer.
47 e. In the case of an individual who was recalled
48 or rehired, the individual had been laid off for a
49 reason other than a seasonal layoff, other than a
50 regular shut-down of or layoff by the taxpayer, or

Page 6

DIVISION S—5120A (cont'd.)

1 other than for the purpose of taking advantage of
2 this credit.
3 The taxpayer's entitled to one-ninth of the maximum
4 amount of credit of one thousand dollars per qualified
5 individual for each full calendar month that the
6 individual is a member of the taxpayer's work force
7 during the period beginning April 1, 1982 and ending
8 on December 31, 1982. If the individual was not a
9 member of the work force for the entire month, the
10 taxpayer is entitled to a pro rata portion of the
11 amount of credit allowed for the month based upon
12 the number of days in the month the individual was
13 a member of the work force. If the amount of credit
14 claimed by the taxpayer exceeds the tax liability
15 of the taxpayer, the excess shall be refunded to the
16 taxpayer.

DIVISION S—5120B (cont'd.)

17 Sec. 17. Section 422.35, subsection 4, Code 1981,
18 is amended by striking the subsection and inserting
19 in lieu thereof the following:
20 4. If the taxpayer's federal taxable income is
21 fifty thousand dollars or less, the taxpayer shall

22 subtract fifty percent of the federal income taxes
23 paid or accrued, as the case may be, during the tax
24 year, adjusted by any federal income tax refunds;
25 and add the Iowa income tax deducted in computing
26 the taxable income. If the taxpayer's federal taxable
27 income is more than fifty thousand dollars, the
28 taxpayer shall subtract twenty-five percent of the
29 federal income taxes paid or accrued, as the case
30 may be, during the tax year, adjusted by any federal
31 income tax refunds; and add the Iowa income tax
32 deducted in computing the taxable income.

33 Sec. 18. Section 422.35, subsection 7, paragraphs
34 b and c, Code 1981, are amended to read as follows:

35 b. The Iowa net operating loss remaining after
36 being carried back as required in paragraph "a" of
37 this subsection or if not required to be carried back
38 shall be carried forward [seven] *fifteen* taxable years.

39 c. If the election under section 172(b)(3)(C)
40 of the Internal Revenue Code of 1954 is made, the
41 Iowa net operating loss shall be carried forward [seven]
42 *fifteen* taxable years.

DIVISION S—5120A (cont'd.)

43 Sec. 19. Section 422.35, Code 1981, is amended
44 by adding the following new subsection:

45 *NEW SUBSECTION.* The deduction allowable for
46 depreciation under section 168 of the Internal Revenue
47 Code of 1954 is not applicable in computing Iowa net
48 income.

49 Sec. 20. Chapter 422, division VI, Code 1981,
50 is amended by adding the following new section:

Page 7

DIVISION S—5120A (cont'd.)

1 *NEW SECTION.* Notwithstanding any other provision
2 of law, the department of job service shall provide
3 the information in its possession which the director
4 of revenue deems necessary for carrying out the
5 purposes of sections 13 and 16 of this Act.

DIVISION S—5120B (cont'd.)

6 Sec. 21. Section 427A.9, Code 1981, is amended
7 by inserting after unnumbered paragraph 2 the following
8 new unnumbered paragraph:

9 *NEW UNNUMBERED PARAGRAPH.* Notwithstanding the

10 provisions of this section which require an increase
11 in general fund revenues in excess of five and one-
12 half percent, adjusted for changes in rate or basis,
13 to increase the personal property tax credit, the
14 amount of the personal property tax credit, to be
15 allowed for taxes payable in the fiscal year beginning
16 July 1, 1982 and ending June 30, 1983 shall be
17 increased as provided in this section.

18 Sec. 22. Acts of the Sixty-ninth General Assembly,
19 1981 Session, chapter 132, sections 4 and 5, are
20 repealed.

21 Sec. 23. Acts of the Sixty-ninth General Assembly,
22 1981 Session, chapter 147, section 14, is amended
23 to read as follows:

24 SEC. 14. *NEW SECTION.* There is imposed upon the
25 qualified heir an additional inheritance tax if,
26 within [fifteen] *ten* years after the decedent's death
27 and before the death of the qualified heir, the
28 qualified heir disposes of, other than to a member
29 of the family, any interest in qualified real property
30 for which an election under section 13 of this Act
31 was made or ceases to use for the qualified use the
32 qualified real property for which an election under
33 section 13 of this Act was made as prescribed in
34 section 2032A(c) of the Internal Revenue Code of 1954.
35 The additional inheritance tax shall be the amount
36 computed under [sections 15 and] *section* 16 of this
37 Act and shall be due six months after the date of
38 the disposition or cessation of qualified use referred
39 to in this section. The amount of the additional
40 inheritance tax shall accrue interest at the rate
41 of ten percent per year from nine months after the
42 decedent's death to the due date of the tax. The
43 tax shall be paid to the department of revenue and
44 shall be deposited into the general fund of the state.
45 Taxes not paid within the time prescribed in this
46 section shall draw interest at the rate of ten percent
47 per annum until paid. *There shall not be an additional*
48 *inheritance tax if the disposition or cessation occurs*
49 *ten years or more after the decedent's death.*

50 Sec. 24. Acts of the Sixty-ninth General Assembly,

Page 8

DIVISION S—5120B (cont'd.)

1 1981 Session, chapter 147, section 15, is repealed.

2 Sec. 25. Acts of the Sixty-ninth General Assembly,

3 1981 Session, chapter 147, section 17, is amended

4 to read as follows:

5 SEC. 17. *NEW SECTION.* A lien is created in favor
6 of the state for the additional inheritance tax which
7 may be imposed by section 14 of this Act on the
8 qualified real property for which an election has
9 been made under section 13 of this Act. The lien
10 created by this section shall continue until the tax
11 has been paid or ten years after the tax is due,
12 whichever date occurs first. However, the lien shall
13 expire [fifteen] *ten* years after the decedent's death
14 if the qualified heir has not disposed of or ceased
15 to use for the qualified use the qualified real
16 property which would impose the tax under section
17 14 of this Act. The department of revenue may release
18 the lien prior to the payment of the tax due, if any,
19 if adequate security for payment of the tax is given.

20 Unless the lien has been perfected by recording
21 in the office of the recorder in the county where
22 the estate is probated, a transfer of the qualified
23 real property to a bona fide purchaser for value shall
24 divest the property of the lien. If the lien is
25 perfected by recording, the rights of the state under
26 the lien have priority over all subsequent mortgagees,
27 purchasers or judgment creditors. The lien may be
28 foreclosed by the director of revenue in the same
29 manner as is now prescribed for the foreclosure of
30 real estate mortgages and upon judgment, execution
31 shall be issued to sell as much of the property
32 necessary to satisfy the tax, interest and costs due.

33 Sec. 26. The prohibition in section 422.16,
34 subsection 11, paragraph e, on the waiver relating
35 to reasonable cause of the addition to tax for under-
36 payment of the estimated tax payable shall not apply
37 with regard to the 1981 tax year to farmers and
38 fishermen who have elected not to pay estimated taxes
39 during the 1981 tax year and the director may waive
40 the addition to tax for underpayment of the estimated
41 tax payable for the 1981 tax year for reasonable
42 cause.

DIVISION S—5120C (cont'd.)

43 Sec. 27. Sections 1, 5, 9, 10, 11, 14, 17, and
44 19 of this Act are retroactive to January 1, 1981
45 for tax years beginning on or after January 1, 1981.

46 Sec. 28. Sections 2, 3, 4, 6, 7, 8, 13, 15, 16,
47 20, and 22 of this Act are retroactive to January
48 1, 1982 for tax years beginning on or after January
49 1, 1982.

50 Sec. 29. Sections 12 and 18 of this Act are

Page 9

DIVISION S—5120C (cont'd.)

- 1 retroactive to January 1, 1976 for losses arising
- 2 in tax years ending on or after January 1, 1976.
- 3 Sec. 30. Sections 23, 24, and 25 of this Act are
- 4 effective July 1, 1982 for estates of individuals
- 5 dying on or after July 1, 1982.

DIVISION S—5120B (cont'd.)

- 6 Sec. 31. This Act, being deemed of immediate
- 7 importance, takes effect from and after its publication
- 8 in the Charles City Press, a newspaper published in
- 9 Charles City, Iowa, and in The Record-Herald and
- 10 Indianola Tribune, a newspaper published in Indianola,
- 11 Iowa."

DIVISION S—5120A (cont'd.)

- 12 2. Title page, lines 5 and 6, by striking the
- 13 words "the assessment of computers and machinery used
- 14 in manufacturing," and inserting in lieu thereof the
- 15 words "an income tax credit for the recall, rehire
- 16 or initial hiring of certain individuals,".

WILLIAM D. PALMER
 LOWELL L. JUNKINS
 C.W. BILL HUTCHINS
 CHARLES P. MILLER
 BOB CARR
 DONALD V. DOYLE
 ALVIN V. MILLER
 C. JOSEPH COLEMAN
 JOE BROWN
 EMIL J. HUSAK
 JAMES D. WELLS
 PATRICK J. DELUHERY
 BOB RUSH
 ARTHUR A. SMALL, JR.
 TED ANDERSON
 BERL E. PRIEBE
 TOM SLATER
 JAMES V. GALLAGHER

S-5121

- 1 Amend House File 2171, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 6, line 25, by inserting after the figure
4 "1981" the words and figures "and before January 1,
5 1984".

6 2. Page 6, line 30, by inserting after the period
7 the following: "Property granted the special valuation
8 allowed under this section shall continue to receive
9 the special valuation on or after January 1, 1984
10 if the taxpayer continues to own or lease the
11 property."

TED ANDERSON
LOWELL L. JUNKINS
JAMES D. WELLS
CHARLES P. MILLER
JAMES V. GALLAGHER
GEORGE R. KINLEY
DONALD V. DOYLE
BOB RUSH
TOM SLATER
PATRICK J. DELUHERY
C. JOSEPH COLEMAN
ALVIN V. MILLER
WILLIAM D. PALMER
BOB CARR
ARTHUR A. SMALL, JR.
EMIL J. HUSAK
JOE BROWN
BASS VAN GILST

S-5122

1 Amend House File 2171, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16 the following
4 new section:

5 "Sec. 10. Section 422.7, Code 1981, is amended
6 by adding the following new subsection:

7 *NEW SUBSECTION.* The deduction for depreciation
8 as allowed under section 168 of the Internal Revenue
9 Code of 1954 is applicable in computing Iowa net
10 income for tax years beginning on or after January
11 1, 1982 and ending before January 1, 1984. The
12 deduction for depreciation for tax years beginning
13 on or after January 1, 1984 shall be computed under
14 section 167 of the Internal Revenue Code of 1954,
15 except that the property depreciated under section
16 168 of the Internal Revenue Code of 1954 for tax years
17 beginning on or after January 1, 1982 and ending
18 before January 1, 1984 shall continue to be depreciated
19 under section 168 of the Internal Revenue Code of
20 1954."

- 21 2. Page 6, by inserting after line 9 the following
 22 new section:
 23 "Sec. 16. Section 422.35, Code 1981, is amended
 24 by adding the following new subsection:
 25 *NEW SUBSECTION.* The deduction for depreciation
 26 as allowed under section 168 of the Internal Revenue
 27 Code of 1954 is applicable in computing Iowa net
 28 income for tax years beginning on or after January
 29 1, 1982 and ending before January 1, 1984. The
 30 deduction for depreciation for tax years beginning
 31 on or after January 1, 1984 shall be computed under
 32 section 167 of the Internal Revenue Code of 1954,
 33 except that the property depreciated under section
 34 168 of the Internal Revenue Code of 1954 for tax years
 35 beginning on or after January 1, 1982 and ending
 36 before January 1, 1984 shall continue to be depreciated
 37 under section 168 of the Internal Revenue Code of
 38 1954."
 39 3. Page 11, line 6, by striking the figure "13,"
 40 and inserting in lieu thereof the figures "10, 13,
 41 16,".
 42 4. Renumber sections and correct internal
 43 references as are necessary in accordance with this
 44 amendment.

TED ANDERSON
 LOWELL L. JUNKINS
 C.W. BILL HUTCHINS
 JAMES D. WELLS
 CHARLES P. MILLER
 JAMES V. GALLAGHER
 DONALD V. DOYLE
 TOM SLATER
 PATRICK J. DELUHERY
 C. JOSEPH COLEMAN
 ALVIN V. MILLER
 WILLIAM D. PALMER
 BOB CARR
 ARTHUR A. SMALL, JR.
 JOE BROWN

S-5123

- 1 Amend the Committee on Ways and Means amendment,
 2 S-5115, to House File 2171, as amended, passed, and
 3 reprinted by the House, as follows:
 4 1. Page 2, by inserting after line 27 the
 5 following:
 6 "____ Page 11, line 2, by inserting after the
 7 word "year" the words and figures "to April 1, 1982"."

ROLF V. CRAFT

S-5124

1 Amend House File 2171 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 6, by inserting after line 9 the following:
4 "Sec. ____ Chapter 422, division VI, Code 1981,
5 is amended by adding the following new section:
6 *NEW SECTION.* Nothing in this chapter shall be
7 construed to require the Iowa state commerce commission
8 to allow or require the use of any particular method
9 of accounting by any public utility to compute its
10 tax expense, depreciation expense, or operating expense
11 for purposes of establishing its cost of service for
12 rate-making purposes and for reflecting operating
13 results in its regulated books of account."
14 2. Title page, line 10, by inserting after the
15 word "appropriation," the words "specifying that no
16 provision of the state income tax law requires the
17 state commerce commission to allow or require a
18 particular method of accounting by public utilities,".

ARTHUR A. SMALL, JR.
LOWELL L. JUNKINS
C.W. BILL HUTCHINS
TOM SLATER
JAMES D. WELLS
BOB CARR
BOB RUSH
TED ANDERSON

S-5125

1 Amend House File 2171 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 5, by striking lines 24 through 35 and
4 inserting in lieu thereof the following:
5 "4. If the taxpayer's federal taxable income is
6 more than fifty thousand dollars, the taxpayer shall
7 subtract fifty percent of the federal income taxes
8 paid or accrued during the tax year (adjusted by any
9 federal income tax refunds) on the first fifty thousand
10 dollars of federal taxable income and twenty-five
11 percent of the federal income taxes paid or accrued
12 during the taxable year (adjusted by any federal income
13 tax refunds) of the taxpayer's federal taxable income
14 over fifty thousand dollars and add the Iowa income tax
15 deducted in computing the taxable income.
16 The Department of Revenue shall adopt rules to
17 determine the amount of tax attributable under the
18 provisions of this section."

ARTHUR A. SMALL, JR.

S-5126

1 Amend House File 2171 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 6, by inserting after line 9 the following
 4 new section:
 5 "Sec. 16. Section 422.61, subsection 4, Code 1981,
 6 is amended to read as follows:
 7 4. "Net income" means the net income of the
 8 financial institution computed in accordance with
 9 section 422.35, with the exception that interest and
 10 dividends from federal securities shall not be
 11 subtracted, no federal income taxes paid or accrued
 12 shall be subtracted, *the Iowa net operating loss under*
 13 *section 422.35, subsection 7, paragraph a shall be*
 14 *carried back ten years or to the taxable year in which*
 15 *the financial institution first commenced doing*
 16 *business in this state, whichever is later, and*
 17 *notwithstanding the provisions of sections 262.41*
 18 *and 262.51 or any other provisions of the law, income*
 19 *from obligations of the state and its political*
 20 *subdivisions and any amount of franchise taxes paid*
 21 *or accrued under this division during the taxable*
 22 *year shall be added."*
 23 2. Page 11, line 6, by inserting after the figure
 24 "13," the figure "16,".
 25 3. Renumber sections and correct internal
 26 references as are necessary in accordance with this
 27 amendment.

MICK LURA

S-5127

1 Amend House File 2171, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 16 the following
 4 new section:
 5 "Sec. 10. Section 422.7, Code 1981, is amended
 6 by adding the following new subsection:
 7 *NEW SUBSECTION.* Add the amount of windfall profits
 8 tax deducted under section 164(a) of the Internal
 9 Revenue Code of 1954."
 10 2. Page 6, by inserting after line 9 the following
 11 new section:
 12 "Sec. 16. Section 422.35, Code 1981, is amended
 13 by adding the following new subsection:
 14 *NEW SUBSECTION.* Add the amount of windfall profits
 15 tax deducted under section 164(a) of the Internal
 16 Revenue Code of 1954."

- 17 3. Page 11, line 3, by striking the word and
18 figures "12, and 14" and inserting in lieu thereof
19 the word and figures "10, 12, 14, and 16".
20 4. Amend the title, line 5, by inserting after
21 the word "Code," the words "disallowing the deduction
22 of windfall profits taxes in computing state income
23 taxes,".
24 5. Renumber sections and correct internal
25 references as are necessary in accordance with this
26 amendment.

DAVID M. READINGER
JOHN S. MURRAY

S-5128

- 1 Amend the Committee on Ways and Means amendment,
2 S-5115, to House File 2171, as amended, passed and
3 reprinted by the House, as follows:
4 1. Page 2, by inserting after line 27 the
5 following:
6 "____ Page 11, line 2, by inserting after the
7 word "year" the words and figures "to March 31, 1982".

EDGAR H. HOLDEN

S-5129

- 1 Amend Senate amendment, S-5120, to House File 2171,
2 as amended, passed and reprinted by the House, as
3 follows:
4 1. Page 4, line 20, by striking the word "who"
5 and inserting in lieu thereof the words", if the
6 trade or business had a work force of twenty or fewer
7 employees on January 1, 1982 and the individual
8 recalled, rehired or initially hired".
9 2. Page 5, line 35, by striking the word "who"
10 and inserting in lieu thereof the words ", if the
11 taxpayer had a work force of twenty or fewer employees
12 on January 1, 1982 and the individual recalled, rehired
13 or initially hired".

RICHARD COMITO

S-5130

- 1 Amend House File 2171 as amended, passed and

2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16 the
4 following:

5 "Sec. 40. Section 422.7, Code 1981, is amended
6 by adding the following new subsection:

7 *NEW SUBSECTION.* The deduction allowable for
8 depreciation on recovery property under section 168
9 of the Internal Revenue Code of 1954 is applicable
10 only on recovery property located within this state.
11 The director shall establish criteria for determining
12 what recovery property is located within the state
13 and for what length of time."

14 2. Page 6, by inserting after line 9 the following:

15 "Sec. 50. Section 422.35, Code 1981, is amended
16 by adding the following new subsection:

17 *NEW SUBSECTION.* The deduction allowable for
18 depreciation on recovery property under section 168
19 of the Internal Revenue Code of 1954 is applicable
20 only on recovery property located within this state.
21 The director shall establish criteria for determining
22 what recovery property is located within the state
23 and for what length of time."

24 3. Page 11, line 3, by striking the word and
25 figure "and 14" and inserting in lieu thereof the
26 word and figures "14, 40, and 50".

ARTHUR A. SMALL, JR.

S-5131

1 Amend House File 2171, as amended, passed and
2 reprinted by the House, as follows:

3 1. By striking page 6, line 21 through page 9,
4 line 6.

5 2. Page 11, by striking lines 12 through 14.

6 3. Amend the title, lines 5 and 6, by striking
7 the words "providing for the assessment of computers
8 and machinery used in manufacturing,".

9 4. Renumber sections and correct internal
10 references as are necessary in accordance with this
11 amendment.

BOB RUSH

S-5132

1 Amend the Committee on Ways and Means amendment,

- 2 S-5115, to House File 2171, as amended, passed and
 3 reprinted by the House, as follows:
 4 1. Page 1, by striking lines 3 through 10 and
 5 inserting in lieu thereof the following:
 6 "___ Page 1, by striking lines 7 through 25."
 7 2. Page 1, by inserting after line 25 the
 8 following:
 9 "___ Page 5, by striking lines 3 through 20."
 10 3. By striking page 1, line 45 through page 2,
 11 line 17.

DICK RAMSEY
 BERL E. PRIEBE
 MICK LURA
 BASS VAN GILST
 ALVIE L. DREESZEN
 JAMES E. BRILES

S-5133

- 1 Amend House File 2171 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 96.11, Code 1981, is amended
 6 by adding the following new subsection:
 7 *NEW SUBSECTION.* The department of job service
 8 shall provide on forms approved by the department
 9 of revenue a letter of certification that the
 10 individual named on that letter has received
 11 unemployment compensation from this state for at least
 12 six consecutive weeks and that the hiring of the named
 13 individual may qualify the employer to receive an
 14 income tax credit under section 40 or 50 of this Act.
 15 This letter of certification shall be sent or presented
 16 to the individual named on that letter at the time
 17 that individual receives his or her unemployment
 18 compensation check for the sixth consecutive week."
 19 2. Page 4, by inserting after line 30 the
 20 following:
 21 "Sec. 40. Section 422.12, Code 1981, is amended
 22 by adding the following subsection:
 23 *NEW SUBSECTION.* A credit for hiring during the
 24 tax year an individual who was domiciled in this state
 25 on the date of employment and was a member of a
 26 targeted group specified in section 51(d) of the
 27 Internal Revenue Code of 1954 or was receiving
 28 unemployment compensation from this state for a period

29 of at least six consecutive weeks and was hired by
 30 a taxpayer other than the individual's previous
 31 employer. The amount of the credit is equal to twenty-
 32 five percent of the amount computed as provided in
 33 section 51 of the Internal Revenue Code of 1954."

34 3. Page 5, by inserting after line 20 the
 35 following:

36 "Sec. 50. Section 422.33, Code 1981, is amended
 37 by adding the following new subsection:

38 *NEW SUBSECTION.* A credit for hiring during the
 39 tax year an individual who was domiciled in this state
 40 on the date of employment and was a member of a
 41 targeted group specified in section 51(d) of the
 42 Internal Revenue Code of 1954 or was receiving
 43 unemployment compensation from this state for a period
 44 of at least six consecutive weeks and was hired by
 45 a taxpayer other than the individual's previous
 46 employer. The amount of the credit is equal to twenty-
 47 five percent of the amount computed as provided in
 48 section 51 of the Internal Revenue Code of 1954."

49 4. Page 11, line 6, by striking the word and
 50 figure "and 23" and inserting in lieu thereof the

Page 2

1 word and figures "23, 40, and 50".

2 5. Title page, line 10, by inserting after the
 3 word "appropriation," the words "providing an income
 4 tax credit for hiring certain individuals,".

5 6. By numbering, renumbering and correcting
 6 internal references as necessary.

ARTHUR A. SMALL, JR.

S-5134

1 Amend Senate File 2191 as follows:

2 1. Page 1, line 11, by inserting after the word
 3 "actually" the words "collected and shall be paid
 4 only after the amount of tax, penalty, and interest
 5 is".

6 2. Page 1, line 17, by striking the words "general
 7 fund" and inserting in lieu thereof the words "amount
 8 of tax, penalty, and interest actually collected by
 9 the collection agency".

BERL E. PRIEBE
 EMIL J. HUSAK

S-5135

1 Amend House File 2171 as amended, passed and
2 reprinted by the House, as follows:

3 1. By striking page 6, line 21 through page 8,
4 line 20 and inserting in lieu thereof the following
5 new section:

6 "Sec. ____ *NEW SECTION.* A taxpayer who owned
7 or leased property defined in section 427A.1,
8 subsection 1, paragraphs e and j, prior to January
9 1, 1982, shall receive a credit against the assessed
10 value of the property if the taxpayer increased the
11 number of employees in the assessor jurisdiction in
12 which the property is located.

13 The credit against the assessed value of the
14 property shall be equal to ten percent of the increase
15 in the actual wages paid to the taxpayer's employees.
16 The amount of the increases in wages paid shall be
17 equal to the difference between the wages paid which
18 are attributable to an increase in employment during
19 the preceding fiscal year beginning July 1 and ending
20 June 30 and the average wages paid during the fiscal
21 year preceding that fiscal year, as certified to the
22 department of revenue. In determining the credit,
23 wage adjustments which include raises and cost-of-
24 living increases shall not be included.

25 The credit shall be allowed in each succeeding
26 year in which the employment level is maintained.
27 If the employment level upon which the original credit
28 is granted increases, the amount of the credit shall
29 be increased.

30 The claim for credit shall be filed annually on
31 or after July 1 and not later than September 30 with
32 the department of revenue. The department shall
33 prescribe the information which the taxpayer shall
34 submit with the claim for credit to determine the
35 amount of the credit.

36 Not later than January 1, the department shall
37 certify to the county auditor the amount of credit
38 a taxpayer shall receive under this section. The
39 credit shall be allowed against the valuations for
40 the preceding year in order to allow the taxpayer
41 to receive the credit against the taxpayer's valuations
42 for determining property taxes due for the fiscal
43 year beginning July 1.

44 The amount of credit granted to a taxpayer shall
45 not exceed the taxpayer's valuation of property defined

46 in section 427A.1, subsection 1, paragraphs e and
 47 j, acquired prior to January 1, 1982.
 48 On or before July 1, the county auditor shall
 49 prepare a statement listing for each taxing
 50 jurisdiction in the county the amount of the exempt

Page 2

1 value allowed under this section and the tax levy
 2 rate levied against the valuation and certify and
 3 forward one copy of the statement to the state
 4 comptroller. The amount of the credit shall be paid
 5 as provided in section 20 of this Act from funds
 6 appropriated under section 21 of this Act."
 7 2. Renumber sections and correct internal
 8 references as are necessary in accordance with this
 9 amendment.

PATRICK J. DELUHERY
 GARY L. BAUGHER

S-5136

1 Amend the Committee on Ways and Means amendment,
 2 S-5115, to House File 2171, as amended, passed and
 3 reprinted by the House, as follows:
 4 1. Page 1, by striking lines 28 through 34 and
 5 inserting in lieu thereof the following:
 6 "Sec. 14. Section 422.35, subsection 4, Code 1981,
 7 is amended by striking the subsection and inserting
 8 in lieu thereof the following:
 9 4. If the taxpayer's federal taxable income is
 10 fifty thousand dollars or less, the taxpayer shall
 11 subtract fifty percent of the federal income taxes
 12 paid or accrued, as the case may be, during the tax
 13 year, adjusted by any federal income tax refunds;
 14 and add the Iowa income tax deducted in computing
 15 the taxable income. If the taxpayer's federal taxable
 16 income is more than fifty thousand dollars and seventy-
 17 five thousand dollars or less, the taxpayer shall
 18 subtract twenty-five percent of the federal income
 19 taxes paid or accrued, as the case may be, during
 20 the tax year, adjusted by any federal income tax
 21 refunds; and add the Iowa income tax deducted in
 22 computing the taxable income.
 23 If the taxpayer's federal taxable income is more
 24 than seventy-five thousand dollars and one hundred
 25 thousand dollars or less, the taxpayer shall subtract
 26 twenty percent of the federal income taxes paid or
 27 accrued, as the case may be, during the tax year,
 28 adjusted by any federal income tax refunds; and add

29 the Iowa income tax deducted in computing the taxable
 30 income. If the taxpayer's federal taxable income
 31 is more than one hundred thousand dollars, the taxpayer
 32 shall subtract fifteen percent of the federal income
 33 taxes paid or accrued, as the case may be, during
 34 the tax year, adjusted by any federal income tax
 35 refunds; and add the Iowa income tax deducted in
 36 computing the taxable income."

RICHARD COMITO

S-5137

1 Amend House File 2171, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 6, line 24, by striking the word "acquired"
 4 and inserting in lieu thereof the words "which is
 5 manufactured by a person who has manufacturing
 6 facilities in this state and is acquired".

RICHARD COMITO
 BOB CARR

S-5138

1 Amend House File 2171, as amended, passed and
 2 reprinted by the House, as fg in lieu thereof
 3 the words "paragraph e".
 4 3. Page 9, line 4, by striking the words
 5 "paragraphs e and j" and inserting in lieu thereof
 6 the words "paragraph e".

RICHARD COMITO

S-5139

1 Amend the Committee on Ways and Means amendment,
 2 S-5115, to House File 2171, as amended, passed and
 3 reprinted by the House, as follows:
 4 1. Page 1, by striking lines 28 through 34 and
 5 inserting in lieu thereof the following:
 6 "Sec. 14. Section 422.35, subsection 4, Code 1981,
 7 is amended by striking the subsection and inserting
 8 in lieu thereof the following:
 9 4. If the taxpayer's federal taxable income is
 10 fifty thousand dollars or less, the taxpayer shall
 11 subtract fifty percent of the federal income taxes
 12 paid or accrued, as the case may be, during the tax
 13 year, adjusted by any federal income tax refunds;
 14 and add the Iowa income tax deducted in computing
 15 the taxable income. If the taxpayer's federal taxable

16 income is more than fifty thousand dollars and seventy-
 17 five thousand dollars or less, the taxpayer shall
 18 subtract thirty-seven and one-half percent of the
 19 federal income taxes paid or accrued, as the case
 20 may be, during the tax year, adjusted by any federal
 21 income tax refunds; and add the Iowa income tax
 22 deducted in computing the taxable income.

23 If the taxpayer's federal taxable income is more
 24 than seventy-five thousand dollars and one hundred
 25 thousand dollars or less, the taxpayer shall subtract
 26 twenty-five percent of the federal income taxes paid
 27 or accrued, as the case may be, during the tax year,
 28 adjusted by any federal income tax refunds; and add
 29 the Iowa income tax deducted in computing the taxable
 30 income. If the taxpayer's federal taxable income
 31 is more than one hundred thousand dollars, the taxpayer
 32 shall subtract twenty percent of the federal income
 33 taxes paid or accrued, as the case may be, during
 34 the tax year, adjusted by any federal income tax
 35 refunds; and add the Iowa income tax deducted in
 36 computing the taxable income."

RICHARD COMITO

S-5140

1 Amend the Deluhery amendment, S-5135, to House
 2 File 2171, as amended, passed, and reprinted by the
 3 House, as follows:

4 1. Page 1, by inserting after line 15 the words
 5 "A taxpayer's employee shall not include any person
 6 related to the taxpayer within the second degree of
 7 consanguinity or affinity. If the taxpayer is a
 8 corporation, the taxpayer's employee shall not include
 9 any person related to the taxpayer's officers within
 10 the second degree of consanguinity or affinity."

PATRICK J. DELUHERY

S-5141

1 Amend Senate File 2020 as follows:

2 1. Page 1, by striking line 16 and inserting in
 3 lieu thereof the following: "1981, is amended to
 4 read as follows:

5 f. In counties or townships in which field work
 6 on a modern soil survey has been completed since
 7 January 1, 1949, the assessor [and the department of
 8 revenue] shall place emphasis upon the results of [such]
 9 the survey in determining the productive and earning

10 capacity of [such] *that* agricultural property.”

JAMES E. BRILES

S-5142

1 Amend Senate File 2153 as follows:

2 1. Page 1, by striking lines 1 through 8 and
3 inserting in lieu thereof the following:

4 “Section 1. Section 422.42, subsection 3,
5 unnumbered paragraph 1, Code 1981, is amended to read
6 as follows:

7 “Retail sale” or “sale at retail” means the sale
8 to a consumer or to any person for any purpose, other
9 than for processing or for resale of tangible personal
10 property or taxable services, or for resale of tangible
11 personal property in connection with taxable services,
12 and the sale of gas, electricity, water, and
13 communication service to retail consumers or users,
14 but does not include commercial fertilizer or
15 agricultural limestone or materials, but not tools
16 or equipment, which are to be used in disease control,
17 weed control, insect control or health promotion of
18 plants or livestock produced as part of agricultural
19 production for market, or electricity or steam or
20 any taxable service when purchased and used in the
21 processing of tangible personal property intended
22 to be sold ultimately at retail.

23 *PARAGRAPH DIVIDED.* Tangible personal property
24 is sold for processing within the meaning of this
25 subsection only when it is intended that such property
26 shall by means of fabrication, compounding,
27 manufacturing, or germination become an integral part
28 of other tangible personal property intended to be
29 sold ultimately at retail, or shall be consumed as
30 fuel in creating heat, power, or steam for processing
31 including grain drying or for generating electric
32 current, or consumed in implements of husbandry engaged
33 in agricultural production, or such property is a
34 chemical, solvent, sorbent, or reagent, which is
35 directly used and is consumed, dissipated, or depleted,
36 in processing personal property which is intended
37 to be sold ultimately at retail, and which may not
38 become a component or integral part of the finished
39 product, *or are linotype, lithographic-offset plates,*
40 *photoengraved plates, engravings, negatives, color*
41 *separations, typesetting, or any other base material*
42 *used as a carrier for light-sensitive emulsions to*
43 *be used to complete a finished product for sale at*
44 *retail.* The distribution to the public of free

45 newspapers or shoppers guides shall be deemed a retail
 46 sale for purposes of the processing exemption.
 47 Sec. 2. Section 423.1, subsection 1, unnumbered
 48 paragraph 1, Code 1981, is amended to read as follows:
 49 "Use" means and includes the exercise by any person
 50 of any right or power over tangible personal property

Page 2

1 incident to the ownership of that property, except
 2 that it shall not include processing, or the sale
 3 of that property in the regular course of business.
 4 Property used in "processing" within the meaning of
 5 this subsection shall mean and include (a) any tangible
 6 personal property including containers which it is
 7 intended shall, by means of fabrication, compounding,
 8 manufacturing, or germination, become an integral
 9 part of other tangible personal property intended
 10 to be sold ultimately at retail, (b) fuel which is
 11 consumed in creating power, heat, or steam for
 12 processing or for generating electric current, [or]
 13 (c) chemicals, solvents, sorbents, or reagents, which
 14 are directly used and are consumed, dissipated, or
 15 depleted in processing personal property, which is
 16 intended to be sold ultimately at retail, and which
 17 may not become a component or integral part of the
 18 finished product, or (d) are *linotype, lithographic-*
 19 *offset plates, photoengraved plates, engravings,*
 20 *negatives, color separations, typesetting, or any*
 21 *other base material used as a carrier for light-*
 22 *sensitive emulsions to be used to complete a finished*
 23 *product or sale at retail.* The distribution to the
 24 public of free newspapers or shoppers guides shall
 25 be deemed a retail sale for purposes of the processing
 26 exemption."

27 2. Title page, line 2, by striking the words
 28 "exempting from the taxes" and inserting in lieu
 29 thereof the words "providing that property sold or
 30 used within the meaning of the processing exemption
 31 includes".

32 3. By renumbering as necessary.

ARTHUR A. SMALL, JR.

S-5143

1 Amend House File 2171, as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 6, line 26, by striking the words "limited
 4 to thirty" and inserting in lieu thereof the words

5 "one hundred".

6 2. Page 6, line 27, by inserting after the period
7 the words "The owner of the property shall file a
8 claim for reimbursement for taxes paid on the property
9 in the fiscal year in which the owner pays the taxes
10 on the property in the manner provided in sections
11 18 to 22 of this Act."

12 3. By striking page 7, line 34 through page 8,
13 line 1, and inserting in lieu thereof the words
14 "property specified in section 18 of this Act and
15 report the values to the".

16 4. Page 8, by striking lines 14 through 17 and
17 inserting in lieu thereof the following:

18 "3. The assessed value of property defined in
19 section 427A.1, subsection 1, paragraphs e and j for
20 which the taxpayer may file a claim for reimbursement
21 with the department of revenue if the taxpayer is
22 eligible to file a claim."

23 5. Page 8, line 19, by striking the words "state
24 comptroller" and inserting in lieu thereof the words
25 "director of revenue".

26 6. Page 8, by striking lines 21 through 33 and
27 inserting in lieu thereof the following:

28 "Sec. 20. *NEW SECTION.* A taxpayer entitled to
29 reimbursement shall file a claim with the department.
30 The amount of the reimbursement shall be computed
31 by multiplying the tax levy rate times the value of
32 the property upon which reimbursement is to be paid.
33 To claim reimbursement, the owner of the property
34 shall file a claim with the department of revenue
35 not later than December 31 of the fiscal year in which
36 the property is subject to tax. The claim shall be
37 filed on forms prescribed by the director of revenue."

38 7. Page 8, line 35, by striking the words "state
39 comptroller" and inserting in lieu thereof the words
40 "department of revenue".

C.W. BILL HUTCHINS

S-5144

1 Amend the Committee on Ways and Means amendment,
2 S-5115, to House File 2171, as amended, passed, and
3 reprinted by the House, as follows:

4 1. Page 2, by inserting after line 36 the
5 following:

6 "____ Page 11, line 6, by striking the figure
7 "2,".

8 ____ Page 11, line 6, by striking the figure
9 "13,".

10 _____ Page 11, by inserting after line 17 the
11 following new section:
12 "Sec. ____ Sections 2, 13, and 17 of this Act
13 shall take effect January 1, 1984 for tax years
14 beginning on or after that date."

NORMAN G. RODGERS

S-5145

1 Amend House File 2171 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 25, by inserting after the word
4 "year" the words "less the amount of the alternative
5 minimum tax under section 55 of the Internal Revenue
6 Code of 1954".
7 2. Page 5, line 19, by striking the word
8 "preferences" and inserting in lieu thereof the words
9 "preference items not including capital gains".

BASS VAN GILST

S-5146

1 Amend House File 2171, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 6, line 26, by striking the words "limited
4 to thirty" and inserting in lieu thereof the words
5 "one hundred".
6 2. Page 6, line 27, by inserting after the period
7 the words "The owner of the property shall file a
8 claim for reimbursement for taxes paid on the property
9 in the fiscal year in which the owner pays the taxes
10 on the property in the manner provided in sections
11 18 to 22 of this Act."
12 3. By striking page 7, line 34 through page 8,
13 line 1, and inserting in lieu thereof the words
14 "property specified in section 18 of this Act and
15 report the values to the".
16 4. Page 8, by striking lines 14 through 17 and
17 inserting in lieu thereof the following:
18 "3. The assessed value of property defined in
19 section 427A.1, subsection 1, paragraphs e and j for
20 which the taxpayer may file a claim for reimbursement
21 with the department of revenue if the taxpayer is
22 eligible to file a claim."
23 5. Page 8, line 19, by striking the words "state
24 comptroller" and inserting in lieu thereof the words
25 "director of revenue".
26 6. Page 8, by striking lines 21 through 33 and

27 inserting in lieu thereof the following:

28 "Sec. 20. *NEW SECTION.* A taxpayer entitled to
29 reimbursement shall file a claim with the department.
30 The amount of the reimbursement shall be computed
31 by multiplying the tax levy rate times the remainder
32 of the value of the property in excess of thirty
33 percent of the net acquisition cost and upon which
34 reimbursement is to be paid. To claim reimbursement,
35 the owner of the property shall file a claim with
36 the department of revenue not later than December
37 31 of the fiscal year in which the property is subject
38 to tax. The claim shall be filed on forms prescribed
39 by the director of revenue."

40 7. Page 8, line 35, by striking the words "state
41 comptroller" and inserting in lieu thereof the words
42 "department of revenue".

C.W. BILL HUTCHINS

S-5147

1 Amend House File 2171 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 6, by inserting after line 9 the following:

4 "Sec. 16. Section 422.35, Code 1981, is amended
5 by adding the following new subsection:

6 *NEW SUBSECTION.* The deduction allowable for
7 depreciation on property used in a trade or business
8 or held for the production of income under the
9 accelerated cost recovery system of the Internal
10 Revenue Code of 1954 is applicable only on such
11 property if located within this state."

12 2. Page 11, line 3, by striking the word and
13 figure "and 14" and inserting in lieu thereof the
14 word and figures "14, and 16".

15 3. By renumbering and correcting internal
16 references as necessary.

ARTHUR A. SMALL, JR.

S-5148

1 Amend House File 2171 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by striking lines 15 through 20.

4 2. Renumber sections and correct internal
5 references as are necessary in accordance with this
6 amendment.

MICK LURA

S-5149

- 1 Amend the Committee amendment, S-5115, to House
 2 File 2171 as amended, passed and reprinted by the
 3 House as follows:
 4 1. Page 1, by inserting after line 10 the following:
 5 "____ Page 1, line 22 by inserting after the
 6 period the words "For any taxpayer who is a natural
 7 person, the alternative minimum tax shall not apply
 8 to capital gains realized from the involuntary sale
 9 of a capital asset." "

DICK RAMSEY

S-5150

- 1 Amend Senate File 2037 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 "service." the following: "The aggregate liability
 4 of the surety for all breaches of the condition of
 5 the bond shall not exceed the penal sum of the bond."

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chair**S-5151**

- 1 Amend House File 777 as follows:
 2 1. Page 1, by striking line 34 through page 2
 3 line 3 and inserting in lieu thereof the following:
 4 "constituting small claims may be brought or defended
 5 by an individual, partnership, association,
 6 corporation, or other entity. In actions in which
 7 a person other than an individual is a party, that
 8 person may be represented by an officer or an employee.
 9 *A person who in the*."

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chair**S-5152**

- 1 Amend House File 2336, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 11, by inserting after line 34 the
 4 following new section:
 5 "Sec. ____ Acts of the Sixty-eighth General
 6 Assembly, 1980 Session, chapter 1095, section 22,
 7 is amended to read as follows:
 8 SEC. 22. There is appropriated from the general

9 fund of the state for the use of the Iowa railway
 10 finance authority *for the fiscal period beginning*
 11 *July 1, 1980 and ending June 30, 1983* the sum of two
 12 hundred seventy-five thousand (275,000) dollars, or
 13 so much thereof as is necessary, to be used for
 14 salaries, support, maintenance and miscellaneous
 15 purposes and to establish and maintain the Iowa railway
 16 finance authority and its staff, to promulgate rules
 17 under chapter seventeen A (17A) of the Code and for
 18 planning purposes. [Section eight point thirty-three
 19 (8.33) of the Code shall not apply to the funds
 20 appropriated by this section. The funds appropriated
 21 by this section which are unencumbered and unobligated
 22 on July 1, 1982 shall be transferred to the railroad
 23 assistance fund and be available for the purposes
 24 provided in chapter three hundred twenty-seven H
 25 (327H) of the Code.]”
 26 2. Renumber sections and correct internal
 27 references as are necessary in accordance with this
 28 amendment.

COMMITTEE ON APPROPRIATIONS
 JOHN S. MURRAY, Chair

S-5153

1 Amend Senate File 2150 as follows:
 2 1. Page 1, line 8, by inserting after the figure
 3 “1954” the words and figures “as amended to and
 4 including January 1, 1982”.
 5 2. Page 1, line 17, by inserting after the figure
 6 “1954” the words and figures “as amended to and
 7 including January 1, 1982”.

A.R. BUD KUDART

S-5154

1 Amend Senate File 2152 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 “Section 1. Section 633.108, Code 1981, as amended
 5 by Acts of the Sixty-ninth General Assembly, 1981
 6 Session, chapter 193, section 1, is amended to read
 7 as follows:
 8 633.108 SMALL LEGACIES TO MINORS--PAYMENT.
 9 Whenever a minor becomes entitled under the terms
 10 of a will to a bequest or legacy, to a share of the
 11 estate of an intestate, or to a beneficial interest
 12 in a trust fund upon the distribution of the trust

13 fund, and the value of the bequest, legacy, share,
 14 or interest does not exceed the sum of four thousand
 15 dollars, and a conservator for the minor has not been
 16 appointed, the court having jurisdiction of the
 17 distribution of the funds may, in its discretion,
 18 upon the application of the fiduciary, enter an order
 19 authorizing the fiduciary to pay the bequest, legacy,
 20 share or interest to the [parents of the minor, or
 21 to the person with whom the minor resides] *parent or*
 22 *other person entitled to the custody of the minor,*
 23 for the use of the minor. The receipt of the person
 24 or persons therefor, when presented to the court or
 25 filed with the report of distribution of the fiduciary,
 26 shall have the same force and effect as though the
 27 payment had been made to a duly appointed and qualified
 28 conservator for the minor."

29 2. Page 1, line 7, by striking the words "a parent
 30 of the minor who is" and inserting in lieu thereof
 31 the words "[a] *the parent [of the minor who is] or other*
 32 *person*".

33 3. Page 1, line 23, by striking the word "having"
 34 and inserting in lieu thereof the words "[having]
 35 *entitled to*".

36 4. By renumbering sections as necessary.

A.R. BUD KUDART
 LUCAS J. DE KOSTER

S-5155

1 Amend House File 2250, as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 1, line 20, by striking the words "[,
 4 including trade names]" and inserting in lieu thereof
 5 the words ", including trade names".

RICHARD COMITO

S-5156

1 Amend House File 855 as passed, amended and
 2 reprinted by the House as follows:

3 1. Page 1, line 3, by striking the words "propose
 4 or adopt" and inserting in lieu thereof the words
 5 "propose, adopt or enforce".

6 2. Page 1, by adding after line 17 the following:

7 "Sec. ____ 290 Iowa administrative code chapter 54,
 8 appearing in the September 30, 1981 supplement to the
 9 Iowa administrative code is void."

RICHARD F. DRAKE
 BERL E. PRIEBE

EDGAR H. HOLDEN
ROLF V. CRAFT
CALVIN O. HULTMAN
LOWELL L. JUNKINS

S-5157

1 Amend House File 2250, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, line 23, by inserting after the word
4 "have" the words "*free air for tire inflation and*".

JAMES V. GALLAGHER

S-5158

1 Amend Senate File 2098 as follows:
2 1. Page 1, by striking line 11 and inserting in
3 lieu thereof the following: "to the auditor of state.
4 The report, in a form".
5 2. Page 16, by striking line 32 and inserting
6 in lieu thereof the following: "The proposed budget,
7 in the form prescribed by".
8 3. Page 17, by striking line 22 and inserting
9 in lieu thereof the following: "the budget published
10 under subsection 3 of this section".
11 4. Page 18, by striking lines 6 through 9 and
12 inserting in lieu thereof the following: "as provided
13 in section 331.437 of this Act."

RICHARD VANDE HOEF
EMIL J. HUSAK
SUE YENGER

S-5159

1 Amend House File 855 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking everything after the
4 enacting clause and inserting in lieu thereof the
5 following:
6 "Section 1. Fleeting area permits issued by the
7 state conservation commission pursuant to the
8 authority of section 107.24, the Code, shall be for a
9 duration of five years."

ARTHUR A. SMALL, JR.

S-5160

1 Amend Senate File 2109 as follows:

2 1. Page 1, by striking lines 5 through 10 and
 3 inserting in lieu thereof the following:
 4 "1. For the purpose of this section "small
 5 business" means a business entity organized for profit,
 6 including but not limited to an individual,
 7 partnership, corporation, joint venture, association
 8 or cooperative, to which the following apply:
 9 a. It is not an affiliate or subsidiary of a
 10 businessdominant in its field of operation.
 11 b. It has either twenty or fewer full-time
 12 equivalent positions or not more than the equivalent
 13 of one million dollars in annual gross revenues in
 14 the preceding fiscal year.
 15 c. It does not involve the operation of a farm
 16 and does not involve the practice of a profession.
 17 For purposes of this definition "dominant in its
 18 field of operation" means having more than twenty
 19 full-time equivalent positions and more than one
 20 million dollars in annual gross revenues, and
 21 "affiliate or subsidiary of a business dominant in
 22 its field of operation" means a business which is
 23 at least twenty percent owned by a business dominant
 24 in its field of operation, or by partners, officers,
 25 directors, majority stockholders, or their equivalent,
 26 of a business dominant in that field of operation."

COMMITTEE ON STATE GOVERNMENT
 JOHN N. NYSTROM, Chair

S-5161

1 Amend Senate File 2211 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 99B.2, subsection 1, Code
 5 1981, as amended by Acts of the Sixty-ninth General
 6 Assembly, 1981 Session, chapter 44, section 4, is
 7 amended to read as follows:
 8 1. The department is the agency responsible for
 9 issuing any license required by this chapter. A
 10 license shall not be issued, except upon submission
 11 to the department of an application on forms furnished
 12 by the department, and the required license fee.
 13 A license may be issued to any applicant who is an
 14 eligible applicant. However, a license shall not
 15 be issued to an applicant who has been convicted of
 16 or pled guilty to a violation of this chapter, or
 17 who has been convicted of or pled guilty to a violation
 18 of chapter 123 that resulted, at any time, in
 19 revocation of a license issued to the applicant under

20 chapter 123 or that resulted, within the twelve months
 21 preceding the date of application for a license
 22 required by this chapter, in suspension of a license
 23 issued under chapter 123. A license also shall not
 24 be issued for a location for which a previous license
 25 issued under this chapter or chapter 123 has been
 26 revoked within the preceding two years. Except as
 27 otherwise provided in this chapter, a license is valid
 28 for a period of two years from the date of issue.
 29 The license fee is not refundable, but shall be
 30 returned to the applicant if an application is not
 31 approved. *A license issued under section 99B.7, which*
 32 *is not a limited license, may be renewed without*
 33 *reapplication if the licensee remits the license fee*
 34 *to the department on or before the date on which the*
 35 *license expires.”*
 36 2. By renumbering as necessary.

DICK RAMSEY

S-5162

1 Amend the amendment, S-5097, to House File 772 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, line 8, by striking the words “by
 4 examination”.

BERL E. PRIEBE

S-5163

1 Amend Senate File 2166 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 . “Section 1. Section 455B.12, Code 1981, is amended
 5 by adding the following new subsection:
 6 *NEW SUBSECTION.* The commission may adopt rules
 7 establishing a maximum permissible sulfate content
 8 in the water supply of an anaerobic lagoon sited under
 9 section 455B.13, subsection 3, paragraph e. The rules
 10 establishing maximum permissible sulfate content shall
 11 not apply to an expansion of an industrial anaerobic
 12 lagoon facility which was constructed prior to February
 13 22, 1979.”
 14 2. Page 2, by inserting after line 7 the following:
 15 “Sec. ____ Section 455B.13, subsection 3, paragraph
 16 e, is amended by adding the following new subparagraph:
 17 *NEW SUBPARAGRAPH.* The owner of a proposed new
 18 industrial anaerobic lagoon may request the commission
 19 to raise the sulfate limit above the applicable level

20 established by rule, if any. The commission may grant
 21 the request following a public hearing in the immediate
 22 area of the proposed site if it determines that no
 23 other suitable water supply is available or that
 24 meeting the sulfate level established by rule will
 25 cause economic hardship to the owner and determines
 26 that granting the request will not have adverse
 27 environmental consequences.”
 28 3. By renumbering the sections to conform with
 29 this amendment.

DALE L. TIEDEN

S-5164

1 Amend the amendment S-5163 to Senate File 2166 as
 2 follows:
 3 1. Page 1, by striking lines 21 and 22 and inserting
 4 in lieu thereof the following: “the request, following
 5 a public hearing in the immediate area of the proposed
 6 site, if it determines that no”.

C.W. BILL HUTCHINS

S-5165

1 Amend House File 2344 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Chapter 613, Code 1981, is amended
 6 by adding the following new section:
 7 *NEW SECTION. EMERGENCY ASSISTANCE FOR DISASTER*
 8 *RELIEF AND CONTROL.* A person who has agreed by written
 9 contract to participate in the Iowa program for
 10 disaster relief and control, known as “plan bulldozer”,
 11 shall not be liable for any civil damages for acts
 12 or omissions while performing under the terms of the
 13 written contract unless the acts or omissions
 14 constitute recklessness.”

A.R. BUD KUDART

S-5166

1 Amend House File 741 as passed by the House, as
 2 follows:
 3 1. Page 1, line 14, by striking the words “having
 4 jurisdiction over” and inserting in lieu thereof the
 5 word “in”.
 6 2. Page 1, line 19, by striking the words “is

7 not required to" and inserting in lieu thereof the
8 words "shall not".

9 3. Page 1, line 21, by striking the words
10 "substantially justified" and inserting in lieu thereof
11 the words "supported by substantial evidence".

12 4. Page 1, by inserting after line 24 the
13 following:

14 "d. The action arose from a proceeding in which
15 the role of the state was to determine the eligibility
16 or entitlement of an individual to a monetary benefit
17 or its equivalent or to adjudicate a dispute or issue
18 between private parties or to establish or fix a rate.

19 e. The proceeding was brought by the state pursuant
20 to titles 35 through 37.

21 f. The proceeding involved eminent domain,
22 foreclosure, collection of judgment debts, or was
23 a proceeding in which the state was a nominal party.

24 g. The proceeding involved the Iowa merit
25 employment commission under chapter 19A.

26 h. The proceeding is a tort claim."

27 5. Page 2, by inserting after line 13 the
28 following:

29 "4. The court, in its discretion, may reduce the
30 amount to be awarded pursuant to this section, or
31 deny an award, to the extent that the prevailing
32 party, during the course of the proceedings engaged
33 in conduct which unduly and unreasonably protracted
34 the final resolution of the matter in controversy.

35 5. An award pursuant to section 2 of this Act
36 shall not personally obligate any officer or employee
37 of this state for payment of an award entered under
38 that section."

39 6. By renumbering to conform to this amendment.

A.R. BUD KUDART

S-5167

1 Amend Senate File 2172 as follows:

2 1. Page 1, by striking lines 15 and 16.

BOB CARR

S-5168

1 Amend Senate File 2203 as follows:

2 1. Page 1, by striking lines 12 through 14 and
3 inserting in lieu thereof the following: "by
4 constructing a freestanding recreation building with
5 visiting area and two classrooms, and expanding and

- 6 improving the electrical systems and reconstruction
- 7 of detention cells.”.
- 8 2. Page 1, by striking lines 18 and 19 and inserting
- 9 in lieu thereof the words “training school.”.

ELVIE L. DREESZEN
ARNE WALDSTEIN
C. JOSEPH COLEMAN

S-5169

- 1 Amend Senate File 2187 as follows:
- 2 1. Page 1, line 6, by striking the word “ninety”
- 3 and inserting in lieu thereof the words “[ninety] sixty”.
- 4 2. Page 1, line 12, by striking the word “Costs”
- 5 and inserting in lieu thereof the words “*After the*
- 6 *landlord’s communication, costs*”.

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chair

S-5170

- 1 Amend the amendment, S-5163, to Senate File 2166 as
- 2 follows:
- 3 1. Page 1, by striking lines 21 through 27 and
- 4 inserting in lieu thereof the following: “the request
- 5 following a public hearing.”.

JAMES V. GALLAGHER

S-5171

- 1 Amend Senate File 2206 as follows:
- 2 1. Page 2, line 28, by striking the word “fifty”
- 3 and inserting in lieu thereof the word “ten”.
- 4 2. Page 2, line 30, by striking the word “twenty-
- 5 five” and inserting in lieu thereof the word “five”.
- 6 3. Page 6, line 27, by striking the word “twenty-
- 7 five” and inserting in lieu thereof the word “five”.

EMIL J. HUSAK
BERL E. PRIEBE

S-5172

- 1 Amend Senate File 2206 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 “but” the words “does not include a person whose gross
- 4 income from transactions referred to in this subsection
- 5 is one hundred thousand dollars or less during a

6 licensing year, and”.

EMIL J. HUSAK
BERL E. PRIEBE

S-5173

1 Amend House File 2336 as amended, passed and
2 reprinted by the Hose as follows:
3 1. Page 7, line 2, by striking everything after
4 the figure “2” through line 9 and inserting in lieu
5 thereof a period.

JOHN S. MURRAY

S-5174

1 Amend House File 2336 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 18 the
4 following:
5 “Sec. ____ Acts of the Sixty-ninth General
6 Assembly, 1981 Session, chapter 8, section 17, is
7 amended to read as follows:
8 SEC. 17. Notwithstanding section 285.1, subsection
9 3, paragraphs b and c, Code 1981, for the fiscal
10 [biennium] *year* beginning July 1, 1981 and ending June
11 30, [1983] *1982*, the reimbursement rate for the parent
12 or guardian for transportation of public and nonpublic
13 pupils shall [remain at an amount] equal [to] eighty
14 dollars, *and for the fiscal year beginning July 1,*
15 *1982 and ending June 30, 1983, the reimbursement rate*
16 *for the parent or guardian shall equal an amount equal*
17 *to eighty dollars plus twenty-five percent of the*
18 *difference between eighty dollars and the previous*
19 *school year's statewide average per pupil*
20 *transportation cost, as determined by the department*
21 *of public instruction.”*

22 2. Page 2, by inserting after line 18 the
23 following:

24 “Sec. ____ Notwithstanding section 285.1,
25 subsection 3, Code 1981, for the fiscal year beginning
26 July 1, 1981 and ending June 30, 1982, a parent or
27 guardian shall receive reimbursement under that
28 subsection for furnishing transportation for only
29 one family member except as otherwise provided in
30 this section. A parent or guardian shall receive
31 reimbursement for two family members if the family
32 members attend school at two or more schools designated
33 for attendance.”

JOE BROWN

S-5175

- 1 Amend House File 2336 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, line 2, by striking the figure "14"
- 4 and inserting in lieu thereof the figure "12".

JOHN S. MURRAY

S-5176

- 1 Amend House File 2336, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 26, by inserting after the figures
- 4 "8.39" the words and figures ", and provided that
- 5 the unencumbered or unobligated portion of those funds
- 6 shall not revert to the general fund of the state
- 7 until June 30, 1983, notwithstanding section 8.33."

TOM SLATER
JOE BROWN

S-5177

- 1 Amend House File 2336 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 19 and 20, by striking the
- 4 words and figure "eight hundred sixty-one thousand
- 5 one hundred seventy-eight (861,178)" and inserting
- 6 in lieu thereof the words and figure "six hundred
- 7 twenty-three thousand (623,000)".

CLARENCE S. CARNEY

S-5178

- 1 Amend House File 2336, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, by inserting after line 5 the following:
- 4 "Sec. ____ Acts of the Sixty-ninth General
- 5 Assembly, 1981 Session, chapter 5, section 4,
- 6 subsection 7, paragraph d, is amended by adding the
- 7 following new unnumbered paragraph:
- 8 *NEW UNNUMBERED PARAGRAPH.* The department shall
- 9 identify any homemaker-home health aide funds allocated
- 10 to counties under this paragraph which the counties
- 11 do not anticipate spending during the fiscal year
- 12 ending June 30, 1982. If the anticipated excess funds
- 13 to any county are substantial, the department and
- 14 the county may agree to return the excess funds to
- 15 the department. The department may reallocate the

16 excess funds to counties whose allocations are
 17 substantially insufficient to pay for homemaker-home
 18 health aide services during the fiscal year ending
 19 June 30, 1982."

DAVID M. READINGER

S-5179

1 Amend the Committee on Transportation amendment,
 2 S-5114, to House File 808, as amended, passed and
 3 reprinted by the House, as follows:
 4 1. Page 1, by inserting after line 26 the following
 5 new section:
 6 "Sec. ____ Section 321.24, Code 1981, is amended
 7 by inserting after unnumbered paragraph 1 the following
 8 new unnumbered paragraph:
 9 *NEW UNNUMBERED PARAGRAPH.* A vehicle shall be
 10 registered for the registration year. A vehicle
 11 registered for the first time in this state shall
 12 be registered for the remaining unexpired months of
 13 the registration year and pay a registration fee
 14 prorated for the remaining unexpired months of the
 15 registration year."
 16 2. Page 10, line 5, by striking the word "five"
 17 and inserting in lieu thereof the word "ten".
 18 3. Page 15, line 21, by inserting after the word
 19 "basis" the words and figures ", vehicles registered
 20 under sections 321.24 or 321.46, vehicles registered
 21 under chapter 326,".
 22 4. Page 16, line 20, by striking the figure "1"
 23 and inserting in lieu thereof the figure "2".
 24 5. Renumber sections and correct internal
 25 references as are necessary in accordance with this
 26 amendment.

RICHARD F. DRAKE

S-5180

1 Amend House File 2334 as passed by the House as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. Section 327E.1, Code 1981, is amended
 6 by adding the following new unnumbered paragraph:
 7 *NEW UNNUMBERED PARAGRAPH.* Any such railway
 8 corporation may take and hold voluntary grants of
 9 real estate and other property as are made to it to
 10 aid in the construction, maintenance, and continued

11 operation of its railway. However, all real estate
12 so received shall be held only as long as the real
13 estate is used for the construction, maintenance,
14 and continued operation of a railway.

15 Sec. 2. Section 327G.62, Code 1981, as amended
16 by Acts of the Sixty-ninth General Assembly, 1981
17 Session, chapter 22, section 22, is amended to read
18 as follows:

19 327G.62 BUILDINGS ON RAILROAD LANDS. When a
20 disagreement arises between a railroad corporation,
21 *its grantee, or successor in interest* and the owner
22 *or lessee* of any building used for receiving, storing,
23 or manufacturing any article of commerce transported
24 or to be transported, situated on [the] a *present or*
25 *former* railroad [right of way] *right-of-way* or any land
26 owned or controlled by the railroad corporation [for
27 railroad purposes], *its grantee, or successor in*
28 *interest*, as to the terms and conditions on which
29 the same is to be continued thereon or removed
30 therefrom, [such] *the* railway corporation, *its grantee,*
31 *or successor in interest* or [person] *owner or lessee*
32 may make written application to the authority and
33 the authority shall hear and determine [such] *the*
34 controversy and make [such] *an* order [in relation thereto]
35 as shall be just and equitable between the parties,
36 which order shall be enforced in the same manner as
37 other orders of the authority.

38 Sec. 3. Chapter 327G, Code 1981, is amended by
39 adding the following new sections as sections 327G.78
40 and 327G.79:

41 **NEW SECTION. 327G.78 SALE OF RAILROAD PROPERTY.**

42 Subject to sections 327G.77, 471.16, and 471.17, when
43 a railroad corporation, its trustee, or successor
44 in interest have interests in a railroad right-of-
45 way or other real property adjacent to it that are
46 abandoned by order of the interstate commerce
47 commission, reorganization court, bankruptcy court,
48 or the authority or are otherwise abandoned as defined
49 by section 471.15, or when a railroad corporation,
50 trustee, or successor in interest seeks to sell its

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1 interests in that property under any other
2 circumstance, the railroad corporation or trustee
3 shall extend a written offer to sell at a fair market
4 value price to the persons leasing those properties,
5 allowing sixty days from the time of receipt for a
6 written response. If a disagreement arises between

7 the parties concerning the price or other terms of
8 the sale transaction, either or both parties may make
9 written application to the authority to resolve the
10 disagreement. The application shall be made within
11 sixty days from the time an initial written response
12 is served upon the railroad corporation, trustee,
13 or successor in interest by the person wishing to
14 purchase the property. The authority shall hear the
15 controversy and make a final determination of the
16 fair market value of the property and the other terms
17 of the transaction which were in dispute within ninety
18 days after the application is filed. All
19 correspondence shall be by certified mail.

20 The decision of the authority shall be binding
21 on the parties, except that a person who seeks to
22 purchase such real property may withdraw the offer
23 to purchase within thirty days of the authority's
24 decision. If such a withdrawal is made, the railroad
25 corporation, trustee, or successor in interest may
26 sell or dispose of the real property without further
27 order of the authority.

28 **NEW SECTION. 327G.79 VALUING RAIL PROPERTY.**

29 The authority's determination and order shall be just
30 and equitable and in the case of the determination
31 of the fair market value of the property, shall be
32 based in part upon at least three independent
33 appraisals prepared by certified appraisers. Each
34 party shall select one appraiser and each appraisal
35 shall be paid for by the party for whom the appraisal
36 is prepared. The two appraisers shall select a third
37 appraiser and the costs of this appraisal shall be
38 divided equally between the parties. If the appraisers
39 selected by the parties cannot agree on selection
40 of a third appraiser, the authority shall appoint
41 a third appraiser and the costs of this appraisal
42 shall be divided equally between the parties.

43 The authority's determination and order shall be
44 final for the purpose of administrative review to
45 the district court as provided in chapter 17A. The
46 district court's scope of review shall be confined
47 to whether there is substantial evidence to support
48 the authority's determination and order.

49 For purposes of this section and section 327G.78,
50 "authority" means the transportation regulation

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1 authority.

2 Sec. 4. Section 442.2, Code 1981, is amended by

3 adding the following new subsection:

4 *NEW SUBSECTION.* For purposes of section 442.1,
5 the "amount per pupil of foundation property tax"
6 and the "money raised by the foundation property tax"
7 do not include the tax levied under subsection 1 on
8 the property of a railway corporation or its trustee
9 which corporation has been declared bankrupt or is
10 in bankruptcy proceedings.

11 Sec. 5. Section 444.3, unnumbered paragraph 1,
12 Code 1981, is amended to read as follows:

13 When the valuations for the several taxing districts
14 shall have been adjusted by the several boards for
15 the current year, the county auditor shall thereupon
16 apply such a rate, not exceeding the rate authorized
17 by law, as will raise the amount required for such
18 taxing district, and no larger amount. *For purposes*
19 *of computing the rate under this section, the adjusted*
20 *taxable valuation of the property of a taxing district*
21 *does not include the valuation of property of a railway*
22 *corporation or its trustee which corporation has been*
23 *declared bankrupt or is in bankruptcy proceedings.*
24 *Nothing in the preceding sentence exempts the property*
25 *of such railway corporation or its trustee from*
26 *taxation and the rate computed under this section*
27 *shall be levied on the taxable property of such railway*
28 *corporation or its trustee.*

29 Sec. 6. Sections 4 and 5 of this Act are effective
30 for fiscal years beginning on or after July 1, 1983.

31 Sec. 7. This Act, being deemed of immediate
32 importance, takes effect from and after its publication
33 in The Red Oak Express, a newspaper published in Red
34 Oak, Iowa, and in the Carroll Daily Times-Herald,
35 a newspaper published in Carroll, Iowa."

36 2. Title page, line 3, by striking the words
37 "abandon or".

38 3. Title page, line 13, by inserting after the
39 word "interest," the words "by providing that the
40 value of property of a railway corporation which has
41 been declared bankrupt or is in bankruptcy proceedings
42 is not part of the tax base of the taxing district
43 only for purposes of computing the levy rate and the
44 amount to be received from the foundation property
45 tax levy,".

RICHARD F. DRAKE
C.W. BILL HUTCHINS

S-5181

1 Amend Senate File 2201 as follows:

2 1. Page 1, by striking lines 13 through 15 and
 3 inserting in lieu thereof the following:
 4 "The department may enter into an agreement for
 5 the collection and refund of interstate motor fuel
 6 tax which conflicts with sections 324.57, 324.58,
 7 324.65, and 324.68 and the agreement shall govern
 8 carriers covered by the agreement. Copies of the
 9 agreement shall be filed with the secretary of the
 10 senate and the chief clerk of the house."

DONALD V. DOYLE

S-5182

1 Amend Senate File 2166 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 455B.12, Code 1981, is amended
 5 by adding the following new subsection:
 6 *NEW SUBSECTION.* The commission may adopt rules
 7 establishing a maximum permissible sulfate content
 8 in the water supply of an anaerobic lagoon sited under
 9 section 455B.13, subsection 3, paragraph e. The rules
 10 establishing maximum permissible sulfate content shall
 11 not apply to an expansion of an industrial anaerobic
 12 lagoon facility which was constructed prior to February
 13 22, 1979."
 14 2. Page 2, by inserting after line 7 the following:
 15 "Sec. ____ Section 455B.13, subsection 3, paragraph
 16 e, is amended by adding the following new subparagraph:
 17 *NEW SUBPARAGRAPH.* The owner or applicant for a
 18 permit for a proposed new industrial anaerobic lagoon
 19 may request the commission to raise the sulfate limit
 20 above the applicable level established by rule, if
 21 any, if after a public hearing held in the county
 22 to be affected by the proposed site, the commission
 23 finds:
 24 (i) That the raising of the sulfate level will
 25 not have adverse environmental consequences, and
 26 (ii) That no other suitable water supply is
 27 available or
 28 (iii) That meeting the sulfate level established
 29 by rule would cause economic hardship to the applicant
 30 for a permit for the proposed site of the industrial
 31 anaerobic lagoon."
 32 3. By renumbering the sections to conform with
 33 this amendment.

DALE L. TIEDEN

S-5183

- 1 Amend Senate File 2178 as follows:
- 2 1. Page 1, line 16, by striking the words "taxable
- 3 meal and travel" and inserting in lieu thereof the
- 4 words "the daily amount received for meals under
- 5 section 80.8".
- 6 2. Page 1, line 18, by striking the words
- 7 "nontaxable meal and" and inserting in lieu thereof
- 8 the words "[meal and] other payments for meal expenses,".
- 9 3. Page 1, line 18, by inserting after the word
- 10 "expenses," the words "uniform cleaning allowances,".
- 11 4. Page 6, by striking line 31 and inserting in
- 12 lieu thereof the following: "through [June 30, 1979]
- 13 December 31, 1983, and commencing [July 1, 1979] January
- 14 1, 1984,".
- 15 5. Page 7, lines 6 and 7, by striking the words
- 16 and figures "June 30, [1979] 1983" and inserting in
- 17 lieu thereof the words and figures "[June 30, 1979]
- 18 December 31, 1983".
- 19 6. Page 7, line 9, by striking the word and figures
- 20 "July 1, [1979] 1983" and inserting in lieu thereof
- 21 the words and figures "[July 1, 1979] January 1, 1984".
- 22 7. Page 9, by striking lines 25 through 31.
- 23 8. Page 10, lines 23 and 24, by striking the words
- 24 "multiplied by a fraction of years of service" and
- 25 inserting in lieu thereof the words "[multiplied by
- 26 a fraction of years of service]".
- 27 9. Page 11, by striking lines 1 through 22 and
- 28 inserting in lieu thereof the following:
- 29 "Sec. ____ Section 97B.49, subsection 8, Code
- 30 1981, is amended to read as follows:
- 31 8. a. Notwithstanding [the] other provisions of
- 32 this chapter, a member who is or has been employed
- 33 as a county sheriff, as defined in section 39.17,
- 34 or as a deputy sheriff appointed pursuant to [chapter
- 35 341] section 341.1, Code 1981, or section 331.903,
- 36 Code 1981 Supplement, and who retires [on or after]
- 37 between January 1, 1978 and June 30, 1982, and at
- 38 the time of retirement is at least sixty years of
- 39 age and has completed at least twenty-five years of
- 40 membership service as a county sheriff or deputy
- 41 sheriff, may elect to receive, in lieu of the benefits
- 42 under subsection 5 of this section, a monthly
- 43 retirement allowance equal to one-twelfth of forty-
- 44 seven percent of the member's five-year average covered
- 45 wage as a sheriff or deputy sheriff [multiplied by
- 46 a fraction of years of service], with benefits payable
- 47 during the member's lifetime.

48 *Notwithstanding other provisions of this chapter,*
 49 *a member who is or has been employed as a peace*
 50 *officer, and who retires on or after July 1, 1982*

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1 *and meets the age requirements and membership service*
 2 *requirements for benefits specified in this paragraph*
 3 *may elect to receive a monthly retirement allowance*
 4 *equal to one-twelfth of forty-nine percent of the*
 5 *member's five-year average covered wage as a peace*
 6 *officer, with benefits payable during the member's*
 7 *lifetime.*

8 *For the purpose of this subsection membership*
 9 *service as a peace officer means service under this*
 10 *system as any or all of the following:*

11 (1) *As a county sheriff as defined in section*
 12 *39.17.*

13 (2) *As a deputy sheriff appointed pursuant to*
 14 *section 341.1, Code 1981, or section 331.903, Code*
 15 *1981 Supplement.*

16 (3) *As a marshal or police officer in a city not*
 17 *covered under chapter 400.*

18 b. *Each county and applicable city and employee*
 19 *eligible for benefits under this section shall annually*
 20 *contribute an amount determined by the Iowa department*
 21 *of job service, as a percentage of covered wages,*
 22 *to be necessary to pay for the additional benefits*
 23 *provided by this section. The annual contribution*
 24 *in excess of the employer and employee contributions*
 25 *required by this chapter shall be paid by the employer*
 26 *and the employee in the same proportion that employer*
 27 *and employee contributions are made under section*
 28 *97B.11. The additional percentage of covered [wage]*
 29 *wages shall be calculated separately by the department*
 30 *for service under paragraph a, subparagraphs 1 and*
 31 *2, and for service under paragraph a, subparagraph*
 32 *3, and each shall be an actuarially determined amount*
 33 *for that type of service which, if contributed*
 34 *throughout the entire period of active service, would*
 35 *be sufficient to provide the pension benefit provided*
 36 *in this section."*

37 10. *Page 12, line 1, by striking the words*
 38 *"multiplied by a fraction of years of service" and*
 39 *inserting in lieu thereof the words "[multiplied by*
 40 *a fraction of years of service]".*

41 11. *Page 18, lines 22 and 23, by striking the*
 42 *words "July or January of the preceding year" and*
 43 *inserting in lieu thereof the words "[July of the*

44 preceding year] *the month in which the last preceding*
 45 *adjustment was made*".

46 12. Page 18, lines 25 and 26, by striking the
 47 words "July or January of the year just beginning"
 48 and inserting in lieu thereof the words "[July of the
 49 year just beginning] *the month in which the adjustment*
 50 *is made*".

Page 3

1 13. Page 19, lines 10 and 11, by striking the
 2 words and figures "following July 1 and January 1"
 3 and inserting in lieu thereof the words and figures
 4 "[following July 1] *adjustment*".

JOHN N. NYSTROM

S-5184

1 Amend House File 796, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 321.178, subsection 2, Code
 6 1981, is amended to read as follows:

7 2. [YOUTHS NOT ATTENDING SCHOOL—NO DRIVER EDUCATION
 8 REQUIRED] *RESTRICTED LICENSE*.

9 a. Any person between sixteen and eighteen years
 10 of age who is not in [attendance] *attendance* at school
 11 or *who is in attendance* in a public or private school
 12 where an approved driver's education course is *not*
 13 offered or available, may be issued a [one-year
 14 probationary operator's] *restricted license only for*
 15 *travel to and from work* without having completed an
 16 approved driver's education course. *The restricted*
 17 *license shall be issued by the department only upon*
 18 *confirmation of the person's employment and need for*
 19 *a restricted license to travel to and from work and*
 20 *upon receipt of a written statement from the public*
 21 *or private school that an approved course in driver's*
 22 *education was not offered or available to the person,*
 23 *if applicable. The employer shall notify the*
 24 *department if the employment of the person is*
 25 *terminated before the person attains the age of*
 26 *eighteen. [Such] The person shall not have a*
 27 *[probationary operator's] restricted license revoked*
 28 *or suspended upon re-entering school prior to age*
 29 *eighteen provided the student enrolls in and completes*
 30 *the classroom portion of an approved driver's education*
 31 *course as soon as a course is available.*

32 b. The department [shall cancel] *may suspend* a
33 [probationary operator's] *restricted* license [upon proof
34 of a conviction for a moving traffic violation] *issued*
35 *under this section upon receiving a record of the*
36 *person's conviction for one violation and shall revoke*
37 *the license upon receiving a record of conviction*
38 *for two or more violations of any law of this state*
39 *or city ordinance, other than parking regulations,*
40 *regulating the operation of motor vehicles on highways*
41 *and after revoking a license under this section the*
42 *department shall not grant application for any new*
43 *license or permit until the expiration of one year*
44 *or until the person attains his or her eighteenth*
45 *birthday whichever is the longer period.*

46 Sec. 2. Section 321.184, Code 1981, is amended
47 to read as follows:

48 321.184 APPLICATIONS OF UNMARRIED MINORS. The
49 application of any unmarried person under the age
50 of eighteen years for an instruction permit, operator's

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1 license, motorized bicycle license, or permit issued
2 under section 321.194 shall contain the verified
3 consent and confirmation of applicant's birthday by
4 either parent of the applicant; if neither parent
5 is living], the guardian or [other] a person having
6 custody [or the employer of such] *of the minor under*
7 *chapter 600A may consent. Officers and employees*
8 *of the department are [hereby] authorized to administer*
9 *[such] the oaths without charge.*

10 Sec. 3. Section 321.194, Code 1981, is amended
11 to read as follows:

12 321.194 MINORS' SCHOOL LICENSES. Upon
13 certification of a special need by the school board
14 or the superintendent of the applicant's school, the
15 department may issue a restricted license to any
16 person between the ages of fourteen and eighteen years
17 which license shall entitle the holder, while having
18 the license in his or her immediate possession, to
19 operate a motor vehicle during the hours of 6 a.m.
20 to 9 p.m. over the most direct and accessible route
21 between the licensee's residence and school of
22 enrollment for the purpose of attending duly scheduled
23 courses of instruction and extracurricular activities
24 at such school or at any time when accompanied by
25 a parent or guardian, driver education instructor,
26 or prospective driver education instructor who is
27 a holder of a valid operator's or chauffeur's license,

28 and who is actually occupying a seat beside the driver.
29 The license shall expire on the licensee's eighteenth
30 birthday or upon issuance of a probationary operator's
31 or operator's license. Each application shall be
32 accompanied by a statement from the school board or
33 superintendent of the applicant's school. The
34 statement shall be upon a form provided by the
35 department. *The school board or superintendent shall*
36 *certify that a need exists for the license and that*
37 *they are not responsible for any actions of the*
38 *applicant as it pertains to the use of the restricted*
39 *license.* The department of public instruction shall
40 adopt rules pursuant to chapter 17A establishing
41 criteria for issuing a statement of necessity. Upon
42 receipt of a statement of necessity, the department
43 shall issue a restricted license. The fact that the
44 applicant resides at a distance less than one mile
45 from his or her school is prima-facie evidence of
46 the nonexistence of necessity for the issuance of
47 such a license. A license issued under this section
48 is subject to suspension or revocation in like manner
49 as any other license or permit issued under any law
50 of this state and the department may also suspend

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1 such license upon receiving satisfactory evidence
2 that the licensee has violated the restrictions of
3 the license or has been involved in one or more
4 accidents chargeable to the licensee. The department
5 may suspend any license issued under this section
6 upon receiving a record of the licensee's conviction
7 for one violation and shall revoke the license upon
8 receiving a record of conviction for two or more
9 violations of any law of this state or city ordinance,
10 other than parking regulations, regulating the
11 operation of motor vehicles on highways and after
12 revoking a license under this section the department
13 shall not grant application for any new license or
14 permit until the expiration of one year or until the
15 licensee attains his or her sixteenth birthday
16 whichever is the longer period."

17 2. Amend the title, line 1, by striking the words
18 "a restricted license for certain persons between
19 the ages of sixteen" and inserting in lieu thereof
20 the words "certain restricted licenses to persons
21 between the ages of fourteen".

S-5185

- 1 Amend Senate File 2218 as follows:
- 2 1. Page 6, line 25 through page 7,
- 3 line 4, and inserting in lieu thereof the following:
- 4 "agricultural districts to farm operations."

JAMES V. GALLAGHER

S-5186

- 1 Amend House File 777 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Chapter 539, Code 1981, is amended
- 6 by adding the following new section:
- 7 *NEW SECTION. NOTICE OF ASSIGNMENT.* At least ten
- 8 days before an assignor grants assignment of a
- 9 nonnegotiable instrument or an open account to an
- 10 assignee for collection in the regular course of
- 11 business pursuant to section 539.1 or 539.3 of this
- 12 Act, the assignor shall give the maker of the
- 13 nonnegotiable instrument or open account notice of
- 14 the assignment. The notice of assignment shall inform
- 15 the maker of possible adverse consequences of an
- 16 assignment for collection including but not limited
- 17 to the possibility of civil suit and the potential
- 18 poorer credit rating which may result from an
- 19 assignment for collection."
- 20 2. Renumber as necessary.

BOB CARR

S-5187

- 1 Amend Senate File 2091 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. It is the finding of the general
- 5 assembly that the development of a stable, efficient,
- 6 and economically viable fuel alcohol industry in Iowa
- 7 is in the best interests of both Iowa and the nation
- 8 inasmuch as:
- 9 1. The demand for petroleum energy resources
- 10 remains high in both Iowa and the nation despite
- 11 significant conservation efforts.
- 12 2. The continued dependency on foreign sources
- 13 for these energy resources compromises our national
- 14 defense capabilities.

15 3. Continued purchases of foreign energy resources
16 causes a substantial flow of revenue from both Iowa
17 and the nation.

18 4. Supplies of traditional nonrenewable energy
19 resources and especially petroleum energy resources
20 are being depleted.

21 5. Fuel alcohol represents a renewable energy
22 resource which can be produced and consumed in Iowa
23 and our nation using present technologies.

24 6. The development of an ethanol industry would
25 benefit the economies of Iowa and the nation.

26 In view of these considerations, the general
27 assembly endorses the development of a fuel alcohol
28 industry in Iowa and enacts this law to assist this
29 industry through the stimulation of the fuel alcohol
30 market.

31 Sec. 2. Section 214A.1, Code 1981, is amended
32 by adding the following new subsection:

33 *NEW SUBSECTION.* "Ethanol" means ethyl alcohol
34 distilled from agricultural products grown in the
35 United States.

36 Sec. 3. Section 214A.2, Code 1981, is amended
37 by adding the following new unnumbered paragraphs:

38 *NEW UNNUMBERED PARAGRAPH.* Gasoline shall contain
39 a percentage of ethanol equal to or exceeding two
40 percent for the period beginning July 1, 1982 and
41 ending December 31, 1982, two and one-half percent
42 for the period beginning January 1, 1983 and ending
43 June 30, 1983, three percent for the period beginning
44 July 1, 1983 and ending December 31, 1983, three and
45 one-half percent for the period beginning January
46 1, 1984 and ending June 30, 1985, four percent for
47 the period beginning July 1, 1985 and ending December
48 31, 1985, four and one-half percent for the period
49 beginning January 1, 1986 and ending June 30, 1986,
50 and five percent thereafter. However, the department

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1 of revenue shall waive or adjust this requirement
2 if, upon investigation, the secretary of agricul-
3 ture finds the quantity of ethanol available for
4 distribution in any or all regions of the state is
5 insufficient to carry out the provisions of this
6 section, or if, upon investigation, the secretary
7 of agriculture finds that the use of ethanol as a
8 motor fuel would jeopardize the food supplies of the
9 state or the nation.

10 *NEW UNNUMBERED PARAGRAPH.* Gasoline shall not

11 contain a mixture of more than thirteen percent
12 ethanol.

13 Sec. 4. Section 324.2, Code 1981, is amended by
14 adding the following new subsection:

15 *NEW SUBSECTION.* "Ethanol" means ethyl alcohol
16 distilled from agricultural products grown in the
17 United States.

18 Sec. 5. Section 324.3, unnumbered paragraph 1,
19 Code 1981, as amended by Acts of the Sixty-ninth
20 General Assembly, Second Extraordinary 1981 Session,
21 chapter 2, section 7, is amended to read as follows:

22 For the privilege of operating motor vehicles in
23 this state an excise tax of thirteen cents per gallon
24 [beginning September 1, 1981] is imposed upon the use
25 of all motor fuel used for any purpose except [motor
26 fuel containing at least ten percent alcohol distilled
27 from agricultural products] *gasohol* for the period
28 beginning July 1, 1978 and ending June 30, [1983] *1982*
29 and except as otherwise provided in this division.

30 The tax shall be paid in the first instance by the
31 distributor upon the invoiced gallonage of all motor
32 fuel received by the distributor in this state, within
33 the meaning of the word "received" as defined in this
34 division, less the deductions authorized. Thereafter,
35 except as otherwise provided, the per gallon amount
36 of the tax shall be added to the selling price of
37 every gallon of such motor fuel sold in this state
38 and collected from the purchaser so that the ultimate
39 consumer bears the burden of the tax; provided that
40 tax shall not be imposed or collected under this
41 division with respect to the following:

42 Sec. 6. Section 324.3, unnumbered paragraph 3,
43 Code 1981, as amended by Acts of the Sixty-ninth
44 General Assembly, Second Extraordinary 1981 Session,
45 chapter 2, section 9, is amended to read as follows:

46 For the privilege of operating motor vehicles in
47 this state an excise tax of [five cents per gallon
48 for the period beginning May 1, 1981 and ending August
49 31, 1981 and an excise tax of] six cents per gallon
50 for the period beginning September 1, 1981 *and ending*

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1 *March 31, 1982 and an excise tax of nine cents per*
2 *gallon for the period beginning April 1, 1982 and*
3 *ending June 30, [1983] 1982, is imposed upon the use*
4 *of gasohol used for any purpose except as otherwise*
5 *provided in this division.*

6 Sec. 7. This Act, being deemed of immediate

7 importance, takes effect from and after its publication
 8 in the Muscatine Journal, a newspaper published in
 9 Muscatine, Iowa, and in The Council Bluffs Nonpareil,
 10 a newspaper published in Council Bluffs, Iowa.”
 11 2. Amend the title, line 1, by inserting after
 12 the word “gasohol” the words “and requiring gasoline
 13 under certain circumstances to contain a percentage
 14 of ethanol effective upon publication”.

RICHARD F. DRAKE

S-5188

1 Amend Senate File 2225 as follows:
 2 1. Page 3, by striking line 4 and inserting in
 3 lieu thereof the word “service.”

BOB RUSH
 PATRICK J. DELUHERY

S-5189

1 Amend House File 2334 as passed by the House as
 2 follows:
 3 1. Page 1, line 13, by inserting after the word
 4 “BUILDINGS” the words “OR OTHER IMPROVEMENTS”.
 5 2. Page 1, line 15, by inserting after the word
 6 “building” the words “*or other improvement, including*
 7 *trackage*.”
 8 3. Page 1, line 16, by inserting after the word
 9 “storing,” the word “*transporting*.”
 10 4. Title, line 12, by inserting after the word
 11 “buildings” the words “or other improvements”.

ELVIE L. DREESZEN

S-5190

1 Amend Senate File 2131 as follows:
 2 1. Page 21, line 1, by inserting after the word
 3 “and” the words “, subject to rules adopted by the
 4 authority.”
 5 2. Page 22, by striking lines 9 through 15 and
 6 inserting in lieu thereof the words “public function.
 7 Income of the authority is exempt from all taxation
 8 in the state. Property of the authority, acquired
 9 or held for purposes of this Act, is exempt from all
 10 taxation and special assessments in the state if the
 11 property was exempt for the fiscal year in which the
 12 property was first acquired or held and such property
 13 shall continue to be exempt for subsequent fiscal

14 years. Property of the authority, acquired or held
 15 for purposes of this Act, is subject to taxation and
 16 special assessments in the state if the property was
 17 taxable for the fiscal year in which the property
 18 was first acquired or held and such property shall
 19 continue to be taxable for subsequent fiscal years."

CLARENCE CARNEY

S-5191

1 Amend Senate File 2131 as follows:
 2 1. Page 4, line 31, by striking the word "its".
 3 2. Page 6, line 8, by striking the words "is
 4 waived" and inserting in lieu thereof the words "are
 5 waived by the member".
 6 3. Page 11, line 1, by striking the words "contract
 7 or" and inserting in lieu thereof the word
 8 "contractor".
 9 4. Page 11, line 21, by striking the words "the
 10 authority may".
 11 5. Page 20, line 2, by inserting after the word
 12 "obligations" the words "of the authority".

CLARENCE CARNEY

S-5192

1 Amend Senate File 2219 as follows:
 2 1. Page 1, line 8, by striking the word "two"
 3 and inserting in lieu thereof the word "one".
 4 2. Amend the title, line 1, by striking the word
 5 "two" and inserting in lieu thereof the word "one".

BOB RUSH

S-5193

1 Amend House File 303 as passed by the House as
 2 follows:
 3 1. Page 1, line 9, by striking the words "less
 4 than seven children" and inserting in lieu thereof
 5 the words "[less than seven children] *no more than six*
 6 *children in a day except that a family day care home*
 7 *may provide child day care for three additional*
 8 *children for a period of up to two hours in any day*
 9 *provided that at one time no more than six of the*
 10 *children provided child day care are under six years*
 11 *of age*".

ARTHUR A. SMALL, JR.
 C.W. BILL HUTCHINS

JOHN W. JENSEN
 RICHARD COMITO
 DALE L. TIEDEN
 DICK RAMSEY

S-5194

1 Amend Senate File 2210 as follows:
 2 1. Page 1, by striking line 21 and inserting in
 3 lieu thereof the following: "to enforce payment of
 4 the civil penalty. No record of assessment against
 5 or payment of a civil penalty by any person for a
 6 violation of this section shall be admissible as
 7 evidence in any court in any civil action. Revenue
 8 from the".

LUCAS J. DE KOSTER
 NORMAN J. GOODWIN

S-5195

1 Amend Senate File 2206 as follows:
 2 1. Page 2, line 30, by inserting after the period
 3 the words "However, a livestock market or livestock
 4 dealer/broker that is registered under the federal
 5 Packers and Stockyards Act shall not be required to
 6 pay any fee to obtain a license under this chapter."

C.W. BILL HUTCHINS
 EMIL J. HUSAK

S-5196

1 Amend Senate File 2207 as follows:
 2 1. Page 1, by striking lines 20 through 25 and
 3 inserting in lieu thereof the following:
 4 "b. Four attorneys experienced in criminal defense."

BOB RUSH
 ARTHUR A. SMALL, JR.

S-5197

1 Amend Senate File 2178 as follows:
 2 1. Page 13, lines 25 and 26, by striking the words
 3 "employer and".
 4 2. Page 13, line 31, by striking the word "service"
 5 and inserting in lieu thereof the word "service".
 6 3. Page 13, line 32, by inserting after the word
 7 "service" the words "under the teachers insurance
 8 and annuity association-college retirement equity

9 fund.”.

10 4. Page 13, line 33, by inserting after the word
11 “employer” the words “, if applicable,”.

JAMES WELLS

S-5198

1 Amend Senate File 2221 as follows:

2 1. Page 6, line 33, by inserting before the word
3 “noxious” the word “secondary”.

ARNE WALDSTEIN

S-5199

1 Amend Senate File 2206 as follows:

2 1. By striking page 4, line 35 through page 5,
3 line 9 and inserting in lieu thereof the following:
4 “2. If the secretary has reason to believe that
5 a person has violated subsection 1, the secretary
6 may, in addition to seeking a remedial order under
7 section 9 of this Act, request that the attorney
8 general or a county attorney commence a civil action
9 for the recovery of a civil penalty against the person.
10 If in the action the court finds the person to have
11 violated subsection 1, the court shall assess a civil
12 penalty of not less than one hundred dollars nor more
13 than five hundred dollars as determined by the court,
14 provided that if the court finds that the person
15 committed the violation after the person previously
16 had been assessed a civil penalty under this section
17 then the court shall assess a civil penalty of not
18 less than two hundred fifty dollars nor more than
19 five thousand dollars, or the court may order the
20 department to revoke the license of the person, or
21 the court may assess a civil penalty and order that
22 the person's license be revoked.”

BOB RUSH

S-5200

1 Amend the amendment S-5180 to House File 2334 as
2 passed by the House as follows:

3 1. Page 1, line 19, by inserting after the word
4 “BUILDINGS” the words “OR OTHER IMPROVEMENTS”.

5 2. Page 1, line 22, by inserting after the word
6 “building” the words “*or other improvement, including*
7 *trackage,*”.

8 3. Page 1, line 22, by inserting after the word

- 9 "storing," the word "*transporting*,"
 10 4. Page 3, by inserting after line 37, the following:
 11 "4. Title, line 12, by inserting after the word
 12 "buildings" the words "or other improvements"."

ELVIE L. DREESZEN

S-5201

- 1 Amend Senate File 2221 as follows:
 2 1. Page 6, by striking lines 32 and 33 and
 3 inserting in lieu thereof the following:
 4 "g. The name and rate of occurrence per unit of
 5 weight of each kind of secondary noxious weed seed
 6 present."
 7 2. Page 9, by striking lines 6 through 9 and
 8 inserting in lieu thereof the following: "199.1.
 9 [Any corn sold as "hybrid" shall have plainly printed
 10 or marked on the label or container in which such
 11 corn is sold the identifying symbols or numbers,
 12 clearly indicating the specific combination. The
 13 cross mentioned above shall]."

ARNE WALDSTEIN

S-5202

- 1 Amend Senate File 2178 as follows:
 2 1. Page 6, by striking line 32 and inserting in
 3 lieu thereof the following: "in the amount of [three
 4 and seven-tenths] *four* percent".
 5 2. Page 7, line 8, by striking the word "*twenty-*
 6 *five*" and inserting in lieu thereof the word "*five*".

EDGAR H. HOLDEN

S-5203

- 1 Amend House File 2240 as follows:
 2 1. Page 2, line 10, by striking the words
 3 "*voluntarily enter the hospital*" and inserting in
 4 lieu thereof the words "*be admitted voluntarily to*
 5 *the hospital*".
 6 2. Page 2, line 15, by striking the words
 7 "*voluntarily enter the hospital*" and inserting in
 8 lieu thereof the words "*be admitted voluntarily to*
 9 *the hospital*".

C. JOSEPH COLEMAN
 JOHN S. MURRAY

S-5204

- 1 Amend the amendment S-5192 to Senate File 2219 as
2 follows:
3 1. Page 1, by striking lines 2 through 5 and
4 inserting in lieu thereof the following:
5 "1. Page 1, by striking lines 8 and 9, and inserting
6 in lieu thereof the following:
7 "3. "County" means a county having a population
8 of fifty thousand or more."
9 2. Title, lines 1 and 2, by striking the words
10 "two hundred"."

ARTHUR A. SMALL, JR.

S-5205

- 1 Amend the Committee on Transportation amendment,
2 S-5184, to House File 796, as amended, passed, and
3 reprinted by the House, as follows:
4 1. Page 2, line 1, by inserting after the words
5 "motorized bicycle license," the words "*restricted*
6 *license*".

DONALD V. DOYLE

S-5206

- 1 Amend Senate File 2162 as follows:
2 1. Page 1, by striking lines 3 through 6 and
3 inserting in lieu thereof the following:
4 "109.54 SHOOTING RIFLE OVER WATER OR HIGHWAY.
5 [No] A person shall [at any time] *not* shoot [any] a rifle
6 on or over [any of] the public waters or public highways
7 of the state or any railroad right of way. A *person*
8 *shall not shoot a shotgun loaded with rifled slugs*
9 *on or over a public highway or a railroad right of*
10 *way which is not abandoned.*"

C.W. BILL HUTCHINS

S-5207

- 1 Amend Senate File 2233 as follows:
2 1. Page 121, line 29, by inserting after the word
3 "in" the words "[section 606.15, subsection 9, 10 or
4 20]".

LUCAS J. DE KOSTER

S-5208

- 1 Amend Senate File 2162 as follows:

- 2 1. Page 1, lines 4 and 5, by striking the words
3 "*or a shotgun loaded with rifle slugs*".
4 2. Page 1, by inserting after line 6 the following:
5 "*A person shall not shoot a shotgun loaded with*
6 *rifle slugs on or over the public highways of the*
7 *state.*"
8 3. Title page, by striking lines 2 and 3 and
9 inserting in lieu thereof the words "slugs on or over
10 public highways of the state."

DALE L. TIEDEN

S-5209

- 1 Amend House File 833, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section 427.3, subsection 4, Code
6 1981, is amended to read as follows:
7 4. The property, not to exceed one thousand eight
8 hundred fifty-two dollars in taxable value of any
9 honorably separated, retired, furloughed to a reserve,
10 placed on inactive status, or discharged soldier,
11 sailor, marine, or nurse of the second World War from
12 December 7, 1941 to December 31, 1946, army of
13 occupation in Germany November 12, 1918, to July 11,
14 1923, American expeditionary forces in Siberia November
15 12, 1918, to April 30, 1920, second Nicaraguan campaign
16 with the navy or marines in Nicaragua or on combatant
17 ships 1926-1933, second Haitian suppressions of
18 insurrections 1919-1920, navy and marine operations
19 in China 1937-1939 and Yangtze service with navy and
20 marines in Shanghai or in the Yangtze Valley 1926-
21 1927 and 1930-1932 or [of the Korean Conflict at any
22 time between June 25, 1950, and January 31, 1955,
23 both dates inclusive, or] those who served on active
24 duty during the [Vietnam Conflict beginning August
25 5, 1964, and ending June 30, 1973] *period beginning*
26 *with the Korean Conflict on June 25, 1950 and ending*
27 *with the Vietnam Conflict on May 7, 1975, both dates*
28 *inclusive, and as defined in section 35C.2]. For*
29 *purposes of this section, "active duty" means full-*
30 *time duty in the armed forces of the United States*
31 *excluding active duty for training purposes only and*
32 *excluding any period of time a person was assigned*
33 *by the armed forces to a civilian institution for*
34 *a course of education or training which was*
35 *substantially the same as established courses offered*
36 *to civilians, or as a cadet or midshipman, however*

37 *enrolled, at one of the service academies.*

38 Sec. 2. Section 427.3, Code 1981, is amended by
39 adding the following new subsection:

40 *NEW SUBSECTION.* The property, not to exceed the
41 amount in taxable value specified in subsection 4,
42 of any soldier, sailor, marine or nurse who is in
43 active duty in the armed forces of the United States
44 on the date on which the claim for exemption is filed
45 and who would qualify under subsection 4 if the person,
46 was discharged, separated, retired, furloughed to
47 a reserve or placed on inactive status as of the date
48 the claim for exemption is filed.

49 Sec. 3. Section 427.4, unnumbered paragraph 2,
50 Code 1981, is amended to read as follows:

Page 2

1 [No more than] *Only* one tax exemption shall be allowed
2 under this section or section 427.3 in the name of
3 any [honorably discharged] soldier, sailor, marine,
4 or nurse.

5 Sec. 4. Section 427.5, Code 1981, is amended by
6 adding the following new unnumbered paragraph:

7 *NEW UNNUMBERED PARAGRAPH.* In the case of a person
8 named in section 2 of this Act, to be eligible to
9 receive the exemption or reduction the person shall
10 have recorded in the office of the county recorder
11 of the county in which the person claims exemption
12 or reduction an affidavit signed by the person's
13 commanding officer stating that the person served
14 in the armed forces during the required time and is
15 presently on active duty in the year the claim is
16 to be filed. At the time the claim is filed, the
17 claimant shall also file an affidavit stating that
18 the claimant has filed a state income tax return and
19 providing information to the county recorder as
20 necessary for the county recorder to verify that a
21 state income return was filed."

22 2. Amend the title, by striking all of the title
23 in line 1 after the word "Act" and inserting in lieu
24 thereof the words "relating to the military service
25 tax exemption by changing the ending date of the
26 Vietnam Conflict by defining active duty and extending
27 the exemption to persons serving between the Korean
28 and Vietnam Conflicts and on active duty who otherwise
29 qualify for the exemption."

JOE BROWN
NORMAN RODGERS

S-5210

- 1 Amend Senate File 2226 as follows:
- 2 1. Page 1, line 9, by striking the words "in the
- 3 state".
- 4 2. Title, line 5, by striking the words "in the
- 5 state".

ARTHUR L. GRATIAS

S-5211

- 1 Amend Senate File 2233 as follows:
- 2 1. Page 98, by inserting after line 15 the
- 3 following:
- 4 "____. The clerk shall remit all revenue received
- 5 by the clerk during the fiscal year commencing July
- 6 1, 1983 and ending June 30, 1984, to the county
- 7 treasurer."

LUCAS J. DE KOSTER

S-5212

- 1 Amend Senate File 2019 as follows:
- 2 1. Page 1, line 8, by striking the word "," and
- 3 inserting in lieu thereof the word "[,]".
- 4 2. Page 1, lines 9 through 17, by striking the
- 5 words "who served in the military or naval forces
- 6 of the United States during any war, including World
- 7 War I at any time between April 6, 1917, and November
- 8 11, 1918, both dates inclusive, World War II at any
- 9 time between December 7, 1941, and December 31, 1946,
- 10 both dates inclusive, the Korean Conflict at any time
- 11 between June 25, 1950, and January 31, 1955, both
- 12 dates inclusive, and the Vietnam Conflict at any time
- 13 between August 5, 1964, and May 7, 1975, both dates
- 14 inclusive," and inserting in lieu thereof the words
- 15 "[who served in the military or naval forces of the
- 16 United States during any war, including World War
- 17 I at any time between April 6, 1917, and November
- 18 11, 1918, both dates inclusive, World War II at any
- 19 time between December 7, 1941, and December 31, 1946,
- 20 both dates inclusive, the Korean Conflict at any time
- 21 between June 25, 1950, and January 31, 1955, both
- 22 dates inclusive, and the Vietnam Conflict at any time
- 23 between August 5, 1964, and May 7, 1975, both dates
- 24 inclusive,] *armed forces who qualify for the property*
- 25 *tax exemption allowed under section 427.3, subsection*
- 26 *4 and"*.

DONALD V. DOYLE

S-5213

1 Amend Senate File 2037 as follows:
 2 1. Page 1, line 31, by inserting after the word
 3 "distributors" the following: "or to a sheltered
 4 work and work activity center operated by a nonprofit
 5 corporation organized under chapter 504 or 504A, an
 6 area vocational school or community college, or an
 7 agency of this state or a political subdivision of
 8 this state".

RICHARD VANDE HOEF
 CHARLES P. MILLER
 ARNE WALDSTEIN

S-5214

1 Amend House File 744 as amended, passed and reprinted
 2 by the House as follows:
 3 1. Page 6, line 12, by inserting after the word
 4 "facility" the words "*as specified in chapter 356A*".
 5 2. Page 6, line 14, by striking the words "[section
 6 907.7] *chapter 356A*" and inserting in lieu thereof the
 7 words "section 907.7".

DICK RAMSEY

S-5215

1 Amend Senate Concurrent Resolution 102 as follows:
 2 1. Page 1, line 12, by striking the word "state"
 3 and inserting in lieu thereof the word "Iowa".
 4 2. Page 1, line 15, by striking the word "design".
 5 3. Page 1, lines 15 and 16, by striking the words
 6 "such as those concerning weight limits for state
 7 bridges" and inserting in lieu thereof the words
 8 "including those relating to bridge inspection".
 9 4. Page 1, line 17, by striking the word "state"
 10 and inserting in lieu thereof the word "Iowa".
 11 5. Page 2, by inserting after line 1 the following:
 12 "BE IT FURTHER RESOLVED, That present national
 13 bridge inspection standards be reviewed to determine
 14 suitable and less stringent criteria for bridge
 15 inspections and rating; and".

JACK W. HESTER

S-5216

1 Amend Senate File 2228 as follows:
 2 1. Page 1, by striking lines 29 and 30, and

3 inserting in lieu thereof the words "from the
4 application fees, subject to the one thousand dollar
5 limit, shall be set in an amount which, with the land
6 burial surcharge tax, is sufficient to cover the costs
7 of".

TED ANDERSON

S-5217

1 Amend S-5183, filed to Senate File 2178, as follows:
2 1. Page 1, by striking lines 11 through 21.

JOHN N. NYSTROM

S-5218

1 Amend House File 844 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, line 23, by striking the word "may"
4 and inserting in lieu thereof the word "shall".

COMMITTEE ON WAYS AND MEANS
ROLF V. CRAFT, Chair

S-5219

1 Amend Senate File 2091 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. It is the finding of the general
5 assembly that the development of a stable, efficient,
6 and economically viable fuel alcohol industry in Iowa
7 is in the best interests of both Iowa and the nation
8 inasmuch as:
9 1. The demand for petroleum energy resources
10 remains high in both Iowa and the nation despite
11 significant conservation efforts.
12 2. The continued dependency on foreign sources
13 for these energy resources compromises our national
14 defense capabilities.
15 3. Continued purchases of foreign energy resources
16 causes a substantial flow of revenue from both Iowa
17 and the nation.
18 4. Supplies of traditional nonrenewable energy
19 resources and especially petroleum energy resources
20 are being depleted.
21 5. Fuel alcohol represents a renewable energy
22 resource which can be produced and consumed in Iowa
23 and our nation using present technologies.
24 6. The development of an ethanol industry would

25 benefit the economies of Iowa and the nation.

26 In view of these considerations, the general
27 assembly endorses the development of a fuel alcohol
28 industry in Iowa and enacts this law to assist this
29 industry through the stimulation of the fuel alcohol
30 market.

31 Sec. 2. Section 214A.1, Code 1981, is amended
32 by adding the following new subsection:

33 *NEW SUBSECTION.* "Ethanol" means ethyl alcohol
34 distilled from agricultural products grown in the
35 United States.

36 Sec. 3. Section 214A.2, Code 1981, is amended
37 by adding the following new unnumbered paragraphs:

38 *NEW UNNUMBERED PARAGRAPH.* Gasoline shall contain
39 a percentage of ethanol equal to or exceeding two
40 percent for the period beginning July 1, 1982 and
41 ending December 31, 1982, two and one-half percent
42 for the period beginning January 1, 1983 and ending
43 June 30, 1983, three percent for the period beginning
44 July 1, 1983 and ending December 31, 1983, three and
45 one-half percent for the period beginning January
46 1, 1984 and ending June 30, 1985, four percent for
47 the period beginning July 1, 1985 and ending December
48 31, 1985, four and one-half percent for the period
49 beginning January 1, 1986 and ending June 30, 1986,
50 and five percent thereafter. However, the department

Page 2

1 of revenue shall waive or adjust this requirement
2 if, upon investigation, the secretary of agricul-
3 ture finds the quantity of ethanol available for
4 distribution in any or all regions of the state is
5 insufficient to carry out the provisions of this
6 section, or if, upon investigation, the secretary
7 of agriculture finds that the use of ethanol as a
8 motor fuel would jeopardize the food supplies of the
9 state or the nation.

10 *NEW UNNUMBERED PARAGRAPH.* Gasoline shall not
11 contain a mixture of more than thirteen percent
12 ethanol.

13 Sec. 4. Section 324.2, Code 1981, is amended by
14 adding the following new subsection:

15 *NEW SUBSECTION.* "Ethanol" means ethyl alcohol
16 distilled from agricultural products grown in the
17 United States.

18 Sec. 5. Section 324.3, unnumbered paragraph 1,
19 Code 1981, as amended by Acts of the Sixty-ninth
20 General Assembly, Second Extraordinary 1981 Session,

21 chapter 2, section 7, is amended to read as follows:

22 For the privilege of operating motor vehicles in
 23 this state an excise tax of thirteen cents per gallon
 24 [beginning September 1, 1981] is imposed upon the use
 25 of all motor fuel used for any purpose except [motor
 26 fuel containing at least ten percent alcohol distilled
 27 from agricultural products] *gasohol* for the period
 28 beginning July 1, 1978 and ending June 30, [1983] 1982
 29 and except as otherwise provided in this division.
 30 The tax shall be paid in the first instance by the
 31 distributor upon the invoiced gallonage of all motor
 32 fuel received by the distributor in this state, within
 33 the meaning of the word "received" as defined in this
 34 division, less the deductions authorized. Thereafter,
 35 except as otherwise provided, the per gallon amount
 36 of the tax shall be added to the selling price of
 37 every gallon of such motor fuel sold in this state
 38 and collected from the purchaser so that the ultimate
 39 consumer bears the burden of the tax; provided that
 40 tax shall not be imposed or collected under this
 41 division with respect to the following:

42 Sec. 6. Section 324.3, unnumbered paragraph 3,
 43 Code 1981, as amended by Acts of the Sixty-ninth
 44 General Assembly, Second Extraordinary 1981 Session,
 45 chapter 2, section 9, is amended to read as follows:

46 For the privilege of operating motor vehicles in
 47 this state an excise tax of [five cents per gallon
 48 for the period beginning May 1, 1981 and ending August
 49 31, 1981 and an excise tax of] six cents per gallon
 50 for the period beginning September 1, 1981 *and ending*

Page 3

1 *March 31, 1982 and an excise tax of nine cents per*
 2 *gallon for the period beginning April 1, 1982 and*
 3 *ending June 30, [1983] 1982, is imposed upon the use*
 4 *of gasohol used for any purpose except as otherwise*
 5 *provided in this division.*

6 Sec. 7. This Act, being deemed of immediate
 7 importance, takes effect from and after its publication
 8 in the Muscatine Journal, a newspaper published in
 9 Muscatine, Iowa, and in The Council Bluffs Nonpareil,
 10 a newspaper published in Council Bluffs, Iowa."

11 2. Amend the title, line 1, by inserting after
 12 the word "gasohol" the words "and requiring gasoline
 13 under certain circumstances to contain a percentage
 14 of ethanol effective upon publication".

S-5220

1 Amend Senate File 403 as follows:

2 1. Page 1, line 18, by striking the words "*his*
3 *or her designee*" and inserting in lieu thereof the
4 words "*the condemner's assignee*".

5 2. Page 1, line 21, by striking the words "*his*
6 *or her designee*" and inserting in lieu thereof the
7 words "*the condemner's assignee*".

8 3. Page 1, line 23, by striking the word and
9 figure "*subsection 2*" and inserting in lieu thereof
10 the words and figures "*subsections 1 and 2*".

COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chair

S-5221

1 Amend Senate File 2218 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. *NEW SECTION. DEFINITIONS.* As used
5 in this Act unless the context requires otherwise:

6 1. "Board" means the county board of supervisors.

7 2. "Committee" means a committee which the board
8 has created under section 3 of this Act.

9 3. "Environmental statement" means an analytical
10 rather than an encyclopedic document which describes
11 the proposed action in detail, analyzes its significant
12 environmental impact, discusses appropriate
13 alternatives to the proposed action and their
14 alternatives and explores methods by which adverse
15 environmental impacts of an action could be mitigated.
16 The environmental statement shall also analyze those
17 economic, employment, and sociological effects that
18 cannot be avoided if the action is implemented.

19 Sec. 2. *NEW SECTION. STATEMENT REQUIRED.*

20 1. Prior to changing a use of land in a county,
21 the person proposing the change must submit an
22 environmental statement regarding the change to the
23 board and receive approval for the change. This
24 section applies to proposed changes in the use of
25 land within cities as well as outside of cities in
26 the county.

27 2. A change in the use of land requiring the
28 filing and approval of an environmental statement
29 is a change which causes the use of land to be changed
30 from one of the following categories to another:

31 a. Agricultural.

32 b. Residential.

33 c. Commercial.

34 d. Industrial.

35 e. Other.

36 3. The board by resolution may define the activi-
37 ties included in each category or may add additional
38 categories or subcategories requiring the filing and
39 approval of the environmental statement.

40 4. The board by resolution shall establish the
41 requirements for the content of the environmental
42 statement consistent with the definition provided
43 in section 1 of this Act.

44 5. The cessation of an activity on a parcel of
45 land does not in itself constitute a change in the
46 use of the land and the land shall remain in the same
47 category of use until a change is affirmatively
48 proposed.

49 Sec. 3. *NEW SECTION. APPROVAL OF STATEMENT.*

50 1. The board by resolution shall establish

Page 2

1 procedures for the submission and approval of
2 environmental statements.

3 2. The board may delegate the approval of
4 environmental statements to a committee composed of
5 one supervisor, one person engaged in farming and
6 one other citizen of the county all appointed by the
7 board, a soil conservation district commissioner
8 appointed by the commissioners of the county, and
9 a mayor appointed by the mayors of the cities in the
10 county.

11 Sec. 4. *NEW SECTION. ENFORCEMENT. If a change*
12 *in use of a parcel of land is initiated in violation*
13 *of section 2 of this Act, the board may direct the*
14 *county attorney to seek an order of the district court*
15 *for the county enjoining the activity."*

16 2. Amend the title, by striking lines 1 through
17 4, and inserting in lieu thereof the words "An Act
18 to require the filing of a statement prior to change
19 in land use and its approval by the county government."

BERL E. PRIEBE

S-5222

1 Amend Senate File 2240 as follows:

2 1. Page 1, by striking line 1 and inserting in
3 lieu thereof:

4 "Section 1. Sections 478A.1, 478A.2, 478A.3,
5 478A.4, 478A.5, and 478A.6 are repealed."

6 2. Amend the title, lines 1 and 2, by striking
7 the words "the sale of gas lamps and".

JAMES V. GALLAGHER
DICK RAMSEY

S-5223

1 Amend Senate File 2233 as follows:
2 1. Page 124, by striking line 17 through page 128,
3 line 28.

LUCAS J. DE KOSTER

S-5224

1 Amend Senate File 2233 as follows:

DIVISION S—5224A

2 1. Page 2, line 8, by inserting after the word
3 "state" the words ", provided that the clerks of the
4 district court and their deputies and employees shall
5 continue to be county employees".
6 2. By striking page 7, line 31 through page 8,
7 line 1 and inserting in lieu thereof the following:
8 "1. The office of clerk of the district court
9 is an elective office as provided in section 39.17."
10 3. Page 10, by inserting after line 35 the
11 following:
12 "___ A county shall pay the salaries, travel
13 and other personal expenses, benefit costs, and all
14 other personnel costs of the clerk of the district
15 court, deputy clerks, and other persons employed in
16 the office of the clerk of the district court."
17 4. Page 11, by striking lines 16 through 18 and
18 inserting in lieu thereof the words "of positions
19 within the department, except clerks of the district
20 court and their deputies and employees."
21 5. Page 14, by striking lines 9 through 22 and
22 inserting in lieu thereof the words "OFFICES. The
23 salaries of the clerks of the district court and their
24 deputies and employees shall be set as provided in
25 Acts of the Sixty-ninth General Assembly, 1981 Session,
26 chapter 117."
27 6. Page 16, by inserting after line 4 the
28 following:
29 "___ This section does not apply to clerks of
30 the district court or their deputies or employees."
31 7. By striking page 74, line 31 through page 75,

- 32 line 7 and inserting in lieu thereof the words "OF
 33 THE DISTRICT COURT. The clerk of the district court
 34 shall be elected as provided by section 39.17. The
 35 clerk of the district court may employ deputies and
 36 other employees as provided in Acts of the Sixty-ninth
 37 General Assembly, 1981 Session, chapter 117. The
 38 clerk of the district court and deputies and employees
 39 of the clerk of the district court are county
 40 employees, but shall be subject to administrative
 41 and supervisory control by the judicial department
 42 as provided by law."
 43 8. Page 103, line 2, by inserting after the period
 44 the words "*This subsection does not apply to the*
 45 *clerks of the district court or their deputies and*
 46 *employees.*"
 47 9. Page 103, by striking lines 15 through 21.
 48 10. Page 104, by striking lines 3 through 28.
 49 11. Page 105, by striking lines 2 through 15.
 50 12. Page 105, by striking lines 29 and 30 and

Page 2**DIVISION S—5224A (cont'd.)**

- 1 inserting in lieu thereof the words "Of the office
 2 of the county auditor, by the clerk of the district
 3 court; of the clerk *of the district court by the state*
 4 *court administrator; [or] of the county*".
 5 13. Page 106, by striking lines 8 through 12.
 6 14. Page 115, by striking lines 19 through 26.
 7 15. Page 115, line 34, by inserting after the
 8 word "*employees,*" the words "*including the clerks*
 9 *of the district court,*".
 10 16. Page 123, by striking lines 15 through 20.
 11 17. Page 124, by striking lines 6 and 7 and
 12 inserting in lieu thereof the words "cluding but not
 13 limited to salary and [expenses of] *other personnel*
 14 *costs attributable to the clerk, deputy clerks, and*
 15 *other employees of the clerk's office,*".
 16 18. By striking page 131, line 3 through page
 17 132, line 27.
 18 19. Page 133, by striking lines 21 through 27.

DIVISION S—5224B

- 19 20. Page 135, by striking lines 17 through 19
 20 and inserting in lieu thereof the following:
 21 "1. As used in this section, "base cost" equals
 22 sixteen million twenty-eight thousand one hundred

23 twenty dollars.”

DIVISION S—5224A (cont'd.)

24 21. Page 137, by striking line 23.
 25 22. Page 142, by striking lines 10 through 13
 26 and inserting in lieu thereof the words “striking
 27 the subsection.”
 28 23. Page 142, by striking lines 16 through 18.
 29 24. Page 142, line 26, by striking the figures
 30 “10, 44,” and inserting in lieu thereof the figure
 31 “44”.
 32 25. Page 142, line 32, by striking the words and
 33 figures “subsections 7 and 71, are” and inserting
 34 in lieu thereof the words and figure “subsection 71
 35 is”.
 36 26. By renumbering sections, subsections and
 37 paragraphs and correcting internal references.

RAY TAYLOR

S-5225

1 Amend Senate File 2243 as follows:
 2 1. Page 1, line 24, by striking the words
 3 “feasible and”.

JAMES V. GALLAGHER

S-5227

1 Amend Senate File 2218 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 “Section 1. Chapter 93A, Code 1981, is amended
 5 by striking the chapter and inserting in lieu thereof
 6 sections 2 through 8 of this Act.
 7 Sec. 2. *NEW SECTION. PURPOSE.* It is the intent
 8 of the general assembly to provide for the development
 9 of land preservation policy recommendations for the
 10 consideration of the general assembly through a process
 11 that emphasizes the participation and recommendations
 12 of citizens and local governments. The general
 13 assembly intends to provide for the development of
 14 recommendations which will provide for the orderly
 15 use and development of land and related natural
 16 resources in Iowa, preserve private property rights,
 17 preserve the use of agricultural land for agricultural
 18 production, preserve and guide the development of
 19 critical areas, key facilities, and large-scale

20 development, and provide for the future housing,
 21 commercial, industrial, and recreational needs of
 22 the state.

23 Sec. 3. *NEW SECTION*. DEFINITIONS. As used in
 24 this chapter unless the context otherwise requires:

25 1. "County commission" means the county land
 26 preservation commission.

27 2. "State council" means the state land
 28 preservation council.

29 3. "Critical area" means any fragile or historic
 30 lands or sites, natural hazard lands, or renewable
 31 resource lands where substantial evidence indicates
 32 that the uncontrolled or incompatible development
 33 could result in damage to the environment, life, or
 34 property or the long-term public interest.

35 4. "Fragile or historic lands" means areas where
 36 uncontrolled or incompatible development could result
 37 in irreversible damage to important historic, cultural,
 38 scientific, or aesthetic values or natural systems
 39 which are of more than local significance including
 40 shorelands of rivers, lakes, and streams, rare or
 41 valuable ecosystems and geological formations,
 42 significant wildlife habitats, and unique scenic or
 43 historic sites.

44 5. "Natural hazard lands" means areas where
 45 uncontrolled or incompatible development could
 46 unreasonably endanger life and property including
 47 flood plains and areas frequently subject to weather
 48 disasters, and areas of unstable geological formations.

49 6. "Renewable resource lands" means areas where
 50 uncontrolled or incompatible development which results

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1 in the loss or reduction of continued long-range
 2 productivity could endanger future water, food, and
 3 fiber requirements of more than local concern including
 4 watershed lands, aquifers and aquifer recharge areas,
 5 and forest lands.

6 7. "Key facility" means a public facility which
 7 is expected to result in development and urbanization
 8 exceeding local impact, including but not limited
 9 to major airports, major highway interchanges including
 10 interchanges with frontage roads, access streets and
 11 other limited access highways, major recreational
 12 land and facilities, and major facilities for the
 13 development, generation, or transmission of energy.

14 8. "Large-scale development" means any private
 15 development which is likely to generate issues of

16 more than local significance because of its magnitude
17 or because of its location with respect to its
18 surroundings.

19 Sec. 4. *NEW SECTION. STATE COUNCIL ESTABLISHED.*

20 1. A state land preservation council is created.

21 The state council is composed of the following:

22 a. The administrative heads of the department
23 of agriculture, department of soil conservation, and
24 Iowa development commission or that person's designee
25 from the respective agency.

26 b. Two persons appointed by the governor, one
27 from a city of under ten thousand population and one
28 from a city of ten thousand or more population.

29 c. Six soil conservation district commissioners,
30 one elected from each congressional district. The
31 commissioners of each district shall elect one
32 commissioner to attend a congressional district
33 convention. The convention shall elect one of the
34 commissioners serving as a delegate to the convention
35 to serve on the state council.

36 2. The term of office for a member of the state
37 council under paragraphs b and c of subsection 1 is
38 three years.

39 3. The chairperson and vice chairperson of the
40 temporary state land preservation policy commission
41 or their designees shall be members of the state
42 council for the first three years of its existence.

43 4. Members of the state council who are not state
44 employees shall receive compensation of forty dollars
45 per diem and each member of the state council is
46 entitled to reimbursement from the state for travel
47 and other necessary expenses incurred in the
48 performance of the member's official duties.

49 Sec. 5. *NEW SECTION. COUNTY COMMISSIONS ES-*
50 *TABLISHED.*

Page 3

1 1. In each county a county land preservation
2 commission is created composed of the following
3 members:

4 a. One member appointed by and from the county
5 agricultural extension council.

6 b. Two members appointed by the district soil
7 conservation commissioners, one of whom must be a
8 member of the district soil conservation commission
9 and one must be a person who is not a commissioner,
10 but is actively operating a farm in the county.

11 c. One member appointed by the board of supervisors

12 from the residents of the county who may be a member
13 of the board.

14 d. One member appointed by and from a convention
15 of the mayors and councilpersons of the cities of
16 the county. If a participating city contains fifty
17 percent or more of the total population of the
18 participating cities, that city may appoint the member
19 appointed under this paragraph.

20 However, if a city contains more than fifty percent
21 of the population of a county which has a population
22 exceeding fifty thousand persons, that city shall
23 not participate in the convention of mayors and
24 councilpersons and the members appointed under this
25 paragraph shall be one member appointed by and from
26 the mayor and councilpersons of that city and one
27 member appointed by and from the convention of mayors
28 and councilpersons and the member appointed under
29 paragraph c of this subsection shall be a resident
30 of the county engaged in actual farming operations
31 appointed by the board of supervisors.

32 2. The county commission shall meet and organize
33 by the election of a chairperson and vice chairperson
34 from among its members. A majority of the members
35 of the county commission constitutes a quorum and
36 the concurrence of a quorum is required to determine
37 any matter relating to its official duties.

38 3. The state agricultural extension service shall
39 assist county commissions with technical,
40 informational, and clerical assistance.

41 4. A vacancy in the county commission shall be
42 filled in the same manner as the appointment of the
43 member whose position is vacant.

44 5. The term of office for the county commission
45 is three years. The terms shall commence on the
46 effective date of this Act.

47 Sec. 6. *NEW SECTION. COUNTY INVENTORIES.*

48 1. The state council shall meet and organize by
49 the election of a chairperson and vice chairperson
50 from among its members. A majority of the members

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1 of the state council constitutes a quorum and the
2 concurrence of a quorum is required to determine any
3 matter relating to its official duties.

4 2. The Iowa development commission shall provide
5 clerical staff to the state council.

6 3. The state council shall establish advisory
7 guidelines for the development of county inventories.

- 8 The guidelines shall inform the county commissions
9 of the information to be included in the inventories
10 and what part of that information is available from
11 state agencies. The county inventories shall contain
12 at least the following:
- 13 a. The amount of land available and used for
14 agricultural purposes by soil suitability
15 classifications.
 - 16 b. The amount of woodlands.
 - 17 c. The amount of land used for recreation.
 - 18 d. The amount of historical sites.
 - 19 e. The amount of land available within cities
20 for development.
 - 21 f. The amount of land which has been converted
22 from one type of use to another since 1960, including,
23 but not limited to, those uses stated in paragraphs
24 a through e.
 - 25 g. The amount of land or building lots presently
26 platted within city limits that are not occupied by
27 buildings or inhabited structures.
- 28 4. The county commissions shall compile county
29 inventories and submit them to the state council.
30 The state council may request additional information
31 from a county commission after submission of the
32 inventory.
- 33 5. The state council shall compile the inventories
34 submitted by the county commissions into a statewide
35 inventory.
- 36 *Sec. 7. NEW SECTION. COUNTY PLANS.*
- 37 1. The state council shall develop comprehensive
38 guidelines for the development of county land
39 preservation plans based on the report of the temporary
40 state land preservation policy commission and other
41 information deemed appropriate by the state council.
42 The guidelines shall establish minimum requirements
43 for the plans and identify subjects to be addressed
44 in the plans.
 - 45 2. The state council shall assist the county
46 commissions in obtaining information for use in
47 compiling the county inventories and in preparing
48 the county land preservation plan.
 - 49 3. At least once each year the state council shall
50 review the land preservation policy guidelines and

Page 5

- 1 may amend the guidelines as it deems appropriate.
- 2 4. Each county commission shall submit to the
- 3 state council a comprehensive land preservation plan

4 in accordance with the guidelines established by the
5 state council.

6 5. Within sixty days of receipt, the state council
7 shall either approve the plan or reject the plan as
8 incomplete or not meeting the guidelines. The plan
9 shall be returned to the county commission and, if
10 rejected, shall be amended and resubmitted within
11 sixty days to the state council. The procedure of
12 this subsection shall be followed until the plan is
13 approved by the state council.

14 6. After the plan is approved by the state council
15 the county commission shall cause the question of
16 approval of the plan to be placed on the ballot of
17 the next available countywide election.

18 7. If the plan is approved by a majority of the
19 voters of the county, it becomes the land preservation
20 policy of the county and shall be administered and
21 enforced by the county commission.

22 8. The county commission shall review the county
23 plan periodically for the purpose of amending it as
24 the county commission deems appropriate subject to
25 approval by the voters of the county.

26 Sec. 8. *NEW SECTION. ADMINISTRATIVE PROCEDURES.*

27 To allow for timely promulgation of guidelines by
28 the state council in accordance with the schedule
29 provided by section 9 of this Act, the state council
30 may adopt guidelines under section 17A.4, subsection
31 2 and section 17A.5, subsection 2, paragraph b.

32 Sec. 9. *NEW SECTION. SCHEDULE.* The general
33 assembly intends that the state council and county
34 commissions meet the following schedule:

35 1. The soil conservation commissioners are elected
36 to the state council on or about July 15, 1982.

37 2. State council organizes on or about August
38 15, 1982.

39 3. State council adopts inventory guidelines by
40 November 15, 1982.

41 4. County commissions submit inventories to the
42 council by March 15, 1983.

43 5. State council adopts plan guidelines by May
44 15, 1983.

45 6. County commissions submit plans to the state
46 council by September 1, 1983.

47 7. State council returns approved plans to the
48 county commissions by November 1, 1983.

49 Sec. 10. Section 358A.8, Code 1981, is amended
50 by adding the following new unnumbered paragraph:

Page 6

1 *NEW UNNUMBERED PARAGRAPH.* In lieu of appointing

2 a zoning commission as provided in this section, the
 3 county board of supervisors may designate the county
 4 land preservation commission established by section
 5 5 of this Act to exercise the powers and duties of
 6 the county zoning commission.

7 Sec. 11. For the initial terms of the soil
 8 conservation district commissioners elected to the
 9 state council, the commissioners from the first and
 10 fourth congressional districts shall have terms of
 11 one year, those from the second and fifth congres-
 12 sional districts shall have terms of two years, and
 13 those from the third and sixth congressional districts
 14 shall have terms of three years. For the initial
 15 terms of the members of the county commissions
 16 appointed under section 5, subsection 1, of this Act,
 17 the member appointed under paragraph a shall have
 18 a term of one year, the members appointed under
 19 paragraph b shall have terms of two and three years
 20 determined by lot, and the members appointed under
 21 paragraphs c and d shall have terms of three years.”.

22 2. Title, by striking lines 1 through 4 and
 23 inserting in lieu thereof the following: “An Act
 24 to provide for a state council and county commissions
 25 to study the preservation of land and the adoption
 26 of a land preservation plan at the county level.”.

ARNE WALDSTEIN
 JULIA GENTLEMAN
 ELVIE L. DREESZEN
 ARTHUR L. GRATIAS
 NORMAN G. RODGERS

S-5228

1 Amend House File 2357 as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 22 through 26 and
 4 inserting in lieu thereof the following:

5 “a. Four elected or appointed county officers,
 6 four elected or appointed city officers, four elected
 7 or appointed officers of school corporations, and
 8 one member or staff member of a regional council of
 9 governments established under chapter 28E, appointed
 10 by the governor.”

11 2. Page 3, line 30, by inserting after the word
 12 “commission.” the following: “However, the technical
 13 and operational assistance shall be provided within
 14 appropriations made to the office to carry out its
 15 powers and duties under chapter 7A and additional
 16 staff shall not be employed to provide the technical

17 and operational assistance.”

18 3. Page 4, by striking lines 4 through 6 and
19 inserting in lieu thereof the following:

20 “Sec. 6. *NEW SECTION. REPORTS.* The commission
21 shall submit an annual report of its findings and
22 recommendations to the governor, president of the
23 senate, speaker of the house, and the majority and
24 minority leaders of each house, and make the report
25 available to legislators upon request. The report
26 shall also be made available to the public.”

COMMITTEE ON CITIES
DAVID M. READINGER, Chair

HOUSE AMENDMENT TO SENATE FILE 490

S-5229

1 Amend Senate File 490, as follows:

2 1. Page 1, by inserting after line 11, the
3 following:

4 “Sec. 2. This Act applies to claims accruing on
5 or after the effective date of this Act.”

HOUSE AMENDMENT TO SENATE FILE 2180

S-5230

1 Amend Senate File 2180 as follows:

2 1. Page 3, by inserting after line 9 the following:

3 “Sec. ____ Section 421.17, Code 1981, is amended
4 by adding the following new subsection:

5 *NEW SUBSECTION.* To enter into reciprocal agreements
6 with the departments of revenue of other states that
7 have enacted legislation, that is substantially
8 equivalent to the setoff procedure in section 2 of
9 this Act. A reciprocal agreement shall also be
10 approved by the college aid commission. The agreement
11 shall authorize the department to provide by rule
12 for the setoff of state income tax refunds or rebates
13 of defaulters from states with which Iowa has a
14 reciprocal agreement and to provide for sending lists
15 of names of Iowa defaulters to the states with which
16 Iowa has a reciprocal agreement for setoff of that
17 state's income tax refunds.”

18 2. Page 3, by striking lines 12 through 17 and
19 inserting in lieu thereof the following:

20 “*NEW SUBSECTION.* To provide that in the case of
21 multiple claims to refunds or rebates filed by the
22 child support recovery unit under subsection 21 and

23 the college aid commission under section 2 of this
24 Act, that priority shall be given to claims filed
25 by the child support recovery unit under subsection
26 21.”

27 3. Title page, by striking lines 1 and 2 and
28 inserting in lieu thereof the following: “An Act
29 relating to setoffs against state income tax refunds,
30 including claims based on defaults on guaranteed
31 student loans and child support recovery claims, and
32 authorizing reciprocal agreements with other states
33 dealing with the subject matter.”

S-5231

1 Amend Senate File 2218 as follows:
2 1. Page 14, by striking lines 11 through 16 and
3 inserting in lieu thereof the following: “The farm
4 operation. This subsection does not apply if the
5 nuisance results from the negligent operation of the
6 farm. This section does not apply to actions or”.

BASS VAN GILST
FORREST V. SCHWENGELS

S-5232

1 Amend Senate File 2218 as follows:
2 1. Page 3, line 5, by striking the words “and
3 from”.
4 2. Page 3, line 7, by striking the words “and
5 from”.
6 3. Page 3, line 8, by striking the words “and
7 from”.
8 4. Page 3, line 18, by striking the words “and
9 from”.
10 5. Page 3, line 19, by striking the words “and
11 from”.

JOHN W. JENSEN

S-5233

1 Amend Senate File 2103 as follows:
2 1. Page 1, by inserting after line 23 the following:
3 “Sec. ____ Nothing in this Act shall in any way
4 conflict with or alter the provisions of section 476.25.”

EDGAR H. HOLDEN
C. JOSEPH COLEMAN

S-5234

- 1 Amend Senate File 2221 as follows:
- 2 1. Page 14, line 16, by striking the words
- 3 "*one thousand*" and inserting in lieu thereof the
- 4 words "*five hundred*".

C. JOSEPH COLEMAN
ARNE WALDSTEIN
C.W. BILL HUTCHINS

S-5236

- 1 Amend Senate File 2218 as follows:
- 2 1. By striking page 6, line 17 through page 7,
- 3 line 4 and inserting in lieu thereof the following:
- 4 "Sec. 8. *NEW SECTION. AGRICULTURAL DISTRICTS.*
- 5 A county may establish agricultural districts by
- 6 adopting ordinances under chapter 358A. The ordinances
- 7 must be consistent with those county land use
- 8 recommendations that have been adopted by the county
- 9 board under section 6 of this Act. Except as provided
- 10 below, agricultural districting ordinances shall limit
- 11 the use of the land in agricultural districts to farm
- 12 operations.
- 13 1. The following shall be permitted in an
- 14 agricultural district:
- 15 a. Residences constructed for occupation by a
- 16 person, or by a family having at least one member
- 17 who earns a substantial part of his or her livelihood
- 18 from farm operations on the parcel, or by a parent
- 19 or child of that farm operator. Nonconforming pre-
- 20 existing residences may be continued in residential
- 21 use.
- 22 b. Property of a telephone company, city utility
- 23 as defined in section 390.1, or public utility as
- 24 defined in section 476.1.
- 25 c. Public or private elementary or secondary
- 26 schools.
- 27 d. Churches.
- 28 e. Sanitary disposal projects authorized pursuant
- 29 to chapter 455B of the Code.
- 30 2. The county board of supervisors may permit
- 31 a use not listed in subsection 1 in an agricultural
- 32 district only if it finds that use meets all of the
- 33 following conditions:
- 34 a. The use is not inconsistent with the purposes
- 35 set forth in section 2 of this Act.
- 36 b. The use does not interfere seriously with farm
- 37 operations within the districts.

38 c. The use does not materially alter the stability
39 of the overall land use pattern in the area.”
40 2. Page 10, line 17, by striking the words “,
41 subsection 2.”.

DICK RAMSEY
C.W. BILL HUTCHINS
LUCAS J. DE KOSTER
LOWELL L. JUNKINS

S-5237

1 Amend Senate File 2218 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 “Section 1. *NEW SECTION. LEGISLATIVE POLICY.*
5 It is a policy of this state to preserve the
6 availability and productivity of agricultural land,
7 to discourage urban sprawl and encourage efficient
8 urban development patterns, to designate and preserve
9 critical areas and designate and control key facilities
10 and large scale developments, to promote efficient
11 use and conservation of energy, to preserve private
12 property rights, and to establish the state policy
13 for the guidance and direction of state agencies in
14 the use of land.
15 Sec. 2. *NEW SECTION. DEFINITIONS.* As used in
16 sections 1 through 9 of this Act unless the context
17 otherwise requires:
18 1. “Department” means the department of soil
19 conservation.
20 2. “State commission” means the state land
21 preservation commission.
22 3. “County commission” means a county land
23 preservation commission.
24 4. “State critical area” means an area where
25 substantial evidence indicates that uncontrolled or
26 incompatible development could result in damage to
27 the environment, life, or property, or an area where
28 the long-term public interest is of more than local
29 significance. Such areas shall include but not
30 necessarily be limited to:
31 a. “Fragile or historic lands” where uncontrolled
32 or incompatible development could result in
33 irreversible damage to important historic, cultural,
34 scientific, or aesthetic values or natural systems
35 which are of more than local significance including
36 open spaces, wilderness areas, greenbelts, shorelands
37 of rivers, lakes, and streams, rare or valuable
38 ecosystems and geological formations, significant

39 wildlife habitats, and unique scenic or historic
 40 sites.
 41 b. "Natural hazard lands" where uncontrolled or
 42 incompatible development could unreasonably endanger
 43 life and property including flood plains and areas
 44 frequently subject to weather disasters, and areas
 45 of unstable geological formations.
 46 c. "Renewable resource lands" where uncontrolled
 47 or incompatible development which results in the loss
 48 or reduction of continued long-range productivity
 49 could endanger future water, food, and fiber
 50 requirements of more than local concern including

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1 watershed lands, aquifers and aquifer recharge areas,
 2 and forest lands.
 3 5. "Key facility" means a public facility which
 4 is expected to result in development and urbanization
 5 exceeding local impact, including but not limited
 6 to major airports, major highway interchanges including
 7 interchanges with frontage roads, access streets and
 8 other limited access highways, major recreational
 9 land and facilities, and major facilities for the
 10 development, generation, or transmission of energy.
 11 6. "Large-scale development" means any private
 12 development likely to generate issues of more than
 13 local significance because of its magnitude or because
 14 of its location with respect to its surroundings.
 15 7. "Local critical area" means any fragile or
 16 historic lands or sites, natural hazard lands,
 17 renewable resource lands of local significance, or
 18 open spaces of local significance, designated by a
 19 city or county, where evidence indicates that
 20 development could result in damage to the environment,
 21 life, or property, or adversely affect the public
 22 interest or well-being, and which is not designated
 23 as a state critical area. Such areas shall include
 24 but not be limited to wetlands, wilderness areas,
 25 wildlife areas, greenbelts or other open spaces,
 26 historical sites, and flood plains.
 27 8. "Special district" means a benefited water
 28 district, a rural water district, a benefited fire
 29 district, a benefited street lighting district, school
 30 district, sanitary district, or a solid waste disposal
 31 project established pursuant to part 1, division IV
 32 of chapter 455B.
 33 9. "Land use" means all activities, occupations,
 34 practices, and utilization of space, including ground

35 space, water, subsurface, and air space.

36 10. "Land use planning" means the art, science,
37 and process of arranging ground space, and its
38 accompanying activity patterns, structures, systems,
39 and functions so as to adapt it most economically,
40 functionally, and gracefully to the diverse present
41 and anticipated future activities and occupations
42 of civilized man.

43 11. "Land use policy" means a definite course
44 of action selected after evaluation of alternative
45 courses in order to effectuate wise and prudent
46 decisions for the use of land.

47 12. "Land use guideline" means a statement of
48 the criteria, standards, specifications, and procedures
49 to be used in developing land use policy.

50 13. "Land use goal or objective" means a broad

Page 3

1 statement of ideals, aims, and desired results of
2 land use planning and policy projected as far as
3 possible into the future.

4 14. "Comprehensive plan" means a document or
5 documents in map, text, tabular, chart, or similar
6 form which illustrates land use goals or objectives
7 and which is used as a tool in present and future
8 land use decision-making.

9 15. "Urban sprawl" means the irregular and
10 uncontrolled development of urban land uses without
11 regard to land use planning as defined in this section.

12 16. "Agricultural land" means land which is
13 suitable as determined by soil surveys and other land
14 capability information, for farming purposes.

15 Agricultural land includes land which is not used
16 for farming purposes but which is suitable for, and
17 can be economically converted to, farming purposes.

18 Sec. 3. *NEW SECTION.* COUNTY COMMISSION
19 ESTABLISHED.

20 1. There is created a county land preservation
21 policy commission composed of the following members:

22 a. Three members appointed by and from the district
23 soil conservation commissioners.

24 b. Three members appointed by and from the county
25 board of supervisors.

26 c. Three members appointed by and from a convention
27 of the mayors and councilpersons of the cities of
28 the county. If a participating city contains fifty
29 percent or more of the total population of the
30 participating cities, that city may appoint two of

31 the members appointed under this paragraph.
 32 However, if a city contains more than one-half
 33 of the population of a county which has a population
 34 exceeding fifty thousand persons, that city shall
 35 not participate in the convention of mayors and
 36 councilpersons and the members appointed under this
 37 paragraph shall be three members appointed by and
 38 from the mayor and councilpersons of that city and
 39 three members appointed by and from the convention
 40 of mayors and councilpersons and the members appointed
 41 under paragraph b of this subsection shall be three
 42 county supervisors or township trustees of the county
 43 engaged in actual farming operations appointed by
 44 the board of supervisors and who shall be chosen first
 45 from those supervisors who are engaged in actual
 46 farming operations.
 47 2. The convention of the mayors and councilpersons
 48 shall be organized by the board of supervisors. The
 49 members of the county commission shall serve terms
 50 of three years. A vacancy shall be filled in the

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1 same manner as the original appointment.
 2 3. The county commission shall annually meet to
 3 organize and elect a chairperson and vice chairperson
 4 from among its members. A majority of the members
 5 of the county commission shall constitute a quorum
 6 and the concurrence of a quorum shall be required
 7 to determine any matter relating to its official
 8 duties. Each member of the county commission shall
 9 be entitled to receive reimbursement for travel and
 10 other necessary expenses incurred in the performance
 11 of the member's official duties. The reimbursement
 12 shall be made from state funds appropriated for this
 13 purpose.
 14 4. The state agricultural extension service shall
 15 assist county commissions with technical,
 16 informational, and clerical assistance.
 17 **Sec. 4. NEW SECTION. STATE COMMISSION ESTABLISHED.**
 18 1. The state commission shall consist of six
 19 members elected from conventions and three members
 20 appointed by the governor. Prior to the convention
 21 the members of the county commission shall appoint
 22 one-third of its membership to attend the convention.
 23 One member shall be appointed by the county
 24 commissioners appointed by county supervisors, one
 25 by those appointed by district soil conservation
 26 commissioners, and one for each three members appointed

27 by mayors and councilpersons shall be appointed by
28 and from those members. The county commissioners
29 appointed to the convention from the second, third,
30 and sixth congressional districts shall meet in one
31 convention and those from the first, fourth, and fifth
32 congressional districts shall meet in one convention.
33 At each convention the members appointed by county
34 supervisors, by district soil conservation
35 commissioners, and by mayors and councilpersons shall
36 each meet separately and elect one county commissioner
37 appointed as they were to the state commission. After
38 the convention the governor shall appoint three county
39 commissioners to the state commission, one from those
40 appointed by the board of supervisors, one from those
41 appointed by district soil conservation commissioners,
42 and one from those appointed by the mayors and
43 councilpersons. The department shall provide
44 assistance in making the arrangements for the
45 conventions. Each member of each county commission
46 present shall have one vote at the convention.
47 2. The state commission shall convene and organize
48 by the election from its members of a chairperson
49 and a vice chairperson. A majority of the members
50 of the state commission shall constitute a quorum

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1 and the concurrence of a quorum shall be required
2 to determine any matter relating to its official
3 duties. Each member of the state commission is
4 entitled to receive a forty dollar per diem and shall
5 be reimbursed for actual and necessary expenses.
6 3. The members of the state commission shall be
7 elected to a term of three years. If a vacancy occurs
8 on the state commission, the department shall call
9 a congressional district convention only of those
10 county commissioners who would elect a member to fill
11 that vacancy.
12 4. The department may employ professional technical
13 and clerical assistance to carry out the state
14 commission's duties. The state commission shall be
15 administratively attached to the department which
16 shall provide support services to the state com-
17 mission.
18 5. Each state agency and agency of a political
19 subdivision of the state shall cooperate, within time,
20 personnel, and budgetary limitations, in providing
21 information, data, surveys, and studies as requested
22 by the state commission.

23 6. The secretary of agriculture, the director
24 of the state agricultural extension service, the
25 director of the state conservation commission, the
26 director of the Iowa natural resources council, the
27 executive director of the department of environmental
28 quality, the director of the office for planning and
29 programming, the state geologist, the director of
30 the Iowa development commission, the director of the
31 department of transportation, the chairman of the
32 city development board, the chairman of the Iowa state
33 commerce commission, the director of the department
34 of soil conservation, and the director of the energy
35 policy council, or their respective designees, shall
36 be ex officio nonvoting members of the state
37 commission.

38 7. The state commission may apply for, receive,
39 and expend any private or public funds for the purposes
40 of carrying out sections 1 through 9 of this Act.

41 Sec. 5. *NEW SECTION. DUTIES OF THE STATE*
42 *COMMISSION.* In addition to other duties provided
43 by law, the state commission shall:

44 1. Prepare and recommend to the general assembly
45 by January 1, 1983, a state land use policy and
46 guidelines for the guidance and direction of state
47 agencies, county land preservation policy commissions,
48 cities, counties, and special districts on matters
49 relating to land use.

50 2. Propose other legislation deemed necessary

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1 to implement expressed land use policy objectives.
2 3. Recommend criteria to the general assembly
3 by January 1, 1983, for:

4 a. The designation of state critical areas.
5 b. The designation of large-scale developments
6 and key facilities.
7 c. The appraisal of the policies of state agencies
8 to determine the impact of state agency actions on
9 land use policies.

10 4. Establish:
11 a. Procedures for the review and approval of
12 county land use guidelines.
13 b. Procedures for the review of comprehensive
14 plans of cities, counties, and special districts.
15 c. Procedures for the review and approval of state
16 agency plans and plan modifications that impact on
17 land use.
18 d. Procedures for the hearing and determination

19 of a petition by one state agency against another
 20 state agency concerning activities that conflict with
 21 overall state land use policy.

22 5. Provide technical and professional assistance
 23 to cities, counties, county commissions, or special
 24 districts upon their request, to resolve conflicts
 25 with the plans of adjacent jurisdictions or regarding
 26 projects involving more than one county.

27 6. Mediate land use conflicts within a county
 28 upon the request of all the parties concerned.

29 7. Identify and evaluate on a continuing basis
 30 the land use policy issues in this state.

31 8. Evaluate the impact of current laws, ordinances,
 32 policies, regulations, and taxes in this state upon
 33 land use decisions.

34 9. Provide for the periodic monitoring of land
 35 use data to determine changes in land usage, the
 36 comparison of such changes to state and local land
 37 use guidelines, plans, programs, and projections,
 38 and the reporting of the findings to the affected
 39 local governments, state agencies, and the federal
 40 government, upon request.

41 10. Provide information and educational programs
 42 through existing educational institutions.

43 11. Recommend to the general assembly a definition
 44 of "agricultural purposes" as used in section 358A.2.

45 Sec. 6. *NEW SECTION. DUTIES OF THE COUNTY*
 46 *COMMISSION.* In addition to other duties provided
 47 by law, a county commission shall:

48 1. Develop and review at least every three years
 49 a land use policy based upon the state policy and
 50 guidelines for the county and its cities.

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1 2. Review, evaluate, and coordinate at least every
 2 three years all comprehensive plans, ordinances, or
 3 regulations for land use, existing or proposed by
 4 the county, special districts, and cities within the
 5 county for consistency with county and state land
 6 use policy.

7 3. Adopt guidelines based on state guidelines
 8 for the preparation or revision of comprehensive plans
 9 for:

- 10 a. Protection of agricultural land.
- 11 b. Solid waste disposal and recycling, sewage
 12 collection and treatment, and water supply and
 13 distribution.
- 14 c. Siting and development of industrial,

15 commercial, agricultural, educational, cultural,
16 residential, and recreational facilities and areas.

17 d. Designation, development, or use of local
18 critical areas.

19 e. Coordinated countywide transportation system
20 which includes elements of a statewide transportation
21 plan.

22 4. Determine the regulations to apply to an area
23 subject to extraterritorial zoning when the city and
24 the county are unable to agree.

25 **Sec. 7. NEW SECTION. TEMPORARY EMERGENCY POWER**
26 **OF THE COUNTY COMMISSION.** When prior to the adoption
27 of comprehensive plans, ordinances, and regulations
28 as required by sections 1 through 9 of this Act, the
29 county commission determines that there is in progress
30 or proposed an activity that threatens the ability
31 to preserve local critical areas, to preserve
32 agricultural land, and to promote efficient urban
33 development patterns, the county commission shall
34 immediately take action by giving notice to the board
35 of supervisors or the city council of each city
36 involved of the pertinent facts and dangers with
37 respect to the threatening activity. If the county
38 board of supervisors or the city council does not
39 remedy the situation within sixty days, the county
40 commission may, upon one week's written notice to
41 the affected city council or board of supervisors,
42 and the person involved in the activity, hold a public
43 hearing on the matter. If, after the hearing, the
44 county commission determines that the activity does
45 constitute a danger, the county commission may issue
46 a written cease and desist order to the person in
47 control of the activity. If the activity is continued,
48 the county attorney, at the request of the county
49 commission, shall initiate civil proceedings in the
50 name of the county to enjoin that person from the

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1 activity. A legal action taken under this section
2 shall be given priority over all other matters pending
3 in the district court. The court may uphold, modify,
4 or overrule the order of the county commission.

5 **Sec. 8. NEW SECTION. PRESERVATION OF AGRICULTURAL**
6 **LAND.** Upon the adoption of the state land use policy
7 and guidelines and the adoption of the county land
8 use guidelines by the county commission, the county
9 and each city in the county shall:

10 1. Review soil surveys and land capability

11 information and identify the more productive and
12 suitable agricultural land in their jurisdiction.

13 2. Review the projected need for land for
14 nonagricultural uses in their jurisdiction.

15 3. Adopt ordinances pursuant to chapter 358A or
16 414 respectively which will direct the growth of
17 nonagricultural land uses to the less productive and
18 suitable agricultural land within their jurisdiction,
19 encourage the development of nonagricultural uses
20 within the boundaries of cities rather than in the
21 unincorporated areas of the county, encourage that
22 urban development be contiguous to existing urban
23 uses where necessary services can be provided or
24 extended, and provide an orderly transition from rural
25 to urban uses.

26 Ordinances adopted pursuant to this section may
27 establish zones for exclusive agricultural and
28 associated uses or minimum acreages for residential
29 dwellings or other means to effect the objectives
30 of this section.

31 Sec. 9. *NEW SECTION. CRITICAL AREAS, KEY*
32 *FACILITIES AND LARGE-SCALE DEVELOPMENTS.*

33 1. The state commission shall prepare and recommend
34 to the general assembly criteria for the designation
35 of critical areas by the state commission and
36 guidelines for the preservation and protection of
37 state and local critical areas including nominating
38 procedures, planning requirements, and preservation,
39 protection, and restoration techniques.

40 2. The state commission shall prepare and recommend
41 to the general assembly criteria for the designation
42 of key facilities and large-scale developments and
43 a procedure for their regulation. The procedure
44 recommended shall include a determination of the need
45 for the project and environmental impact statement
46 regarding the effects upon agricultural and natural
47 land and shall emphasize consultation with local
48 agencies.

49 Sec. 10. Chapter 327G, Code 1981, is amended by
50 adding the following new section:

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1 *NEW SECTION.* If a railroad company abandons or
2 discontinues service over a right-of-way which is
3 not subject to a reversionary interest, the department
4 of transportation may petition the federal interstate
5 commerce commission, pursuant to the Railroad
6 Revitalization and Regulatory Reform Act of 1976,

7 for a determination that the right-of-way is suitable
8 for other public purposes provided that other public
9 purposes shall be limited to railroad transportation
10 purposes. The department may purchase the right-of-
11 way or acquire it by eminent domain to preserve its
12 suitability for railroad transportation purposes.

13 Sec. 11. Section 358A.1, Code 1981, is amended
14 by striking the section and inserting in lieu thereof
15 the following:

16 358A.1 COUNTY PLANNING AND ZONING COMMISSION.

17 Each county shall establish a planning and zoning
18 commission by January 1, 1982. The county planning
19 and zoning commission shall prepare a comprehensive
20 plan satisfying the guidelines established by the
21 state land preservation commission. Each county,
22 after consulting with the county land preservation
23 commission, shall adopt such a comprehensive plan
24 by January 1, 1986. Each county shall adopt zoning
25 ordinances by January 1, 1987. Zoning, subdivision,
26 or other regulations adopted pursuant to this chapter
27 or chapter 409 and any amendments or revisions shall
28 be designed to implement the comprehensive plan and
29 shall be consistent with the comprehensive plan.

30 Sec. 12. Section 358A.3, Code 1981, is amended
31 to read as follows:

32 358A.3 POWERS. Subject to [the provisions of
33 sections 358A.1 and] *section 358A.2*, the board of
34 supervisors of any county [is hereby empowered to] *may*
35 regulate and restrict the height, number of structures,
36 and size of buildings and other structures, the
37 percentage of lot that may be occupied, the size of
38 yards, courts and other open spaces, the density of
39 population, and the location and use of buildings,
40 structures, and land for trade, industry, residence
41 or other purposes, and [to] *may* regulate, restrict and
42 prohibit the use for residential purposes of tents,
43 trailers and portable or potentially portable
44 structures; provided that such powers shall be
45 exercised only with reference to land and structures
46 located within the county but lying outside [of] the
47 corporate limits of [any] *a city or the jurisdiction*
48 *exercised by a city under section 414.23*. The board
49 of supervisors of any county may prescribe and charge
50 a reasonable building permit fee, and upon receipt

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1 of an application containing all required information,
2 in due form and properly executed, showing that the

3 proposed structure will comply with all applicable
4 regulations of the political subdivision in which
5 it is to be located and upon payment of the required
6 permit fee, the board of supervisors shall, within
7 seven days, issue a permit to the applicant.

8 Sec. 13. Section 358A.7, Code 1981, is amended
9 to read as follows:

10 358A.7 CHANGES AND AMENDMENTS. [Such] *The*
11 regulations, restrictions, and boundaries may[, from
12 time to time,] be amended, supplemented, changed,
13 modified, or repealed. In case, however, of a protest
14 against [such] a change signed by the owners of twenty
15 percent or more either of the area included in [such]
16 *the* proposed change, or of the area immediately
17 adjacent thereto and within five hundred feet of the
18 boundaries thereof, [such] *the* amendment shall not
19 become effective except by the favorable vote of at
20 least sixty percent of all of the members of the board
21 of supervisors. The provisions of section 358A.6
22 relative to public hearings and official notice [shall]
23 apply equally to all changes or amendments. *If the*
24 *amendment conflicts with the comprehensive plan, the*
25 *board of supervisors shall amend the plan prior to*
26 *amending the regulations, restrictions, or boundaries.*

27 Sec. 14. Section 358A.8, Code 1981, is amended
28 to read as follows:

29 358A.8 COMMISSION APPOINTED. In order to avail
30 itself of the powers conferred by this chapter, the
31 board of supervisors shall appoint a commission, a
32 majority of whose members shall reside within the
33 county but outside the corporate limits of any city,
34 to be known as the county *planning and zoning*
35 commission, to recommend the boundaries of the various
36 original districts, and appropriate regulations and
37 restrictions to be enforced therein. *A majority of*
38 *the commission shall be persons representing the*
39 *public at large and shall not be involved in the*
40 *business of purchasing or selling real estate.* [Such]
41 *The* commission shall[, with due diligence,] prepare
42 a preliminary report and hold public hearings thereon
43 before submitting its final report; and the board
44 of supervisors shall not hold its public hearings
45 or take action until it has received the final report
46 of [such] *the* commission. After the adoption of [such]
47 regulations, restrictions, and boundaries of districts,
48 the zoning commission may[, from time to time,] recommend
49 to the board of supervisors amendments, supplements,
50 changes or modifications. *At least every three years*

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1 *the commission shall review the regulations,*
2 *restrictions, and boundaries of districts. The zoning*
3 *commission, with the approval of the board of*
4 *supervisors, may contract with professional*
5 *consultants, regional planning commissions, the Iowa*
6 *development commission, or the federal government,*
7 *for local planning assistance.*

8 *A board of supervisors may designate the county*
9 *land preservation commission to perform the duties*
10 *of the planning and zoning commission in lieu of*
11 *appointing a county planning and zoning commission.*
12 *If a designation is made, the county land preservation*
13 *commission has all the powers and duties of a county*
14 *planning and zoning commission under this chapter.*

15 Sec. 15. Section 358A.25, Code 1981, is amended
16 to read as follows:

17 358A.25 PLUMBING CODE ENFORCED. Subject to [the
18 provisions of sections 358A.1 and] *section 358A.2,*
19 *the board of supervisors of any county [is further*
20 *authorized to] may adopt regulations to provide that*
21 *every dwelling[, whether now or hereafter erected]*
22 *within the county but outside the corporate limits*
23 *of any city which [shall develop] develops a private*
24 *water supply or [install] installs a pressure water*
25 *system or [install] sanitary house drains, shall comply*
26 *with the recommendations of the state department of*
27 *health on minimum requirements as set out in the state*
28 *plumbing code in regard to [such] that development or*
29 *installation. Any such regulation may be enforced*
30 *in the same manner as any other regulation adopted*
31 *under this chapter.*

32 Sec. 16. Section 368.11, unnumbered paragraph
33 3, Code 1981, is amended to read as follows:

34 The petition must include substantially the
35 following information as applicable:

- 36 1. A general statement of the proposal.
- 37 2. A map of the territory, city or cities involved.
- 38 3. Assessed valuation of platted and unplatted
39 land.
- 40 4. Names of property owners.
- 41 5. Population density.
- 42 6. Description of topography.
- 43 7. Plans for disposal of assets and assumption
44 of liabilities.
- 45 8. Description of existing municipal services,
46 including but not limited to water supply, sewage
47 disposal, and fire and police protection.

- 48 9. Plans for agreements with any existing special
49 service districts.
50 10. In a case of annexation or incorporation,

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1 the petition must state that none of the territory
2 is within a city, *the amount and classification of*
3 *any agricultural land proposed to be annexed, the*
4 *need for the annexation of the area, and an evaluation*
5 *of alternative areas for annexation.*

6 11. In a case of incorporation or consolidation,
7 the petition must state the name of the proposed city.

8 12. Plans shall include a formal agreement between
9 affected municipal corporations and counties for the
10 maintenance, improvement and traffic control of any
11 shared roads involved in an incorporation or boundary
12 adjustment.

13 Sec. 17. Section 414.1, Code 1981, is amended
14 to read as follows:

15 414.1 BUILDING RESTRICTIONS--POWERS GRANTED.

16 1. For the purpose of promoting the health, safety,
17 morals, or the general welfare of the community or
18 for the purpose of preserving historically significant
19 areas of the community, [any city is hereby empowered
20 to] *each city, except as provided in subsection 3,*
21 *shall establish a planning and zoning commission and*
22 *regulate and restrict the height, number of stories,*
23 *and size of buildings and other structures, the*
24 *percentage of lot that may be occupied, the size of*
25 *yards, courts, and other open spaces, the density*
26 *of population, and the location and use of buildings,*
27 *structures, and land for trade, industry, residence,*
28 *or other purposes.*

29 2. *Each city shall establish a city planning and*
30 *zoning commission by January 1, 1982, which shall*
31 *prepare a comprehensive plan satisfying the guidelines*
32 *established by the state land preservation commission.*
33 *Each city shall adopt such a comprehensive plan by*
34 *January 1, 1986. Each city, after consultation with*
35 *the county land preservation commission, shall adopt*
36 *zoning ordinances by January 1, 1987. Zoning,*
37 *subdivision, or other regulations adopted pursuant*
38 *to this chapter or chapter 409 and any amendments*
39 *or revisions shall be designed to implement the*
40 *comprehensive plan and shall be consistent with the*
41 *comprehensive plan. If notice is given to the county*
42 *before January 1, 1984, a city may elect to be included*
43 *in the comprehensive plan of the county and adopt*

44 *the applicable part of that plan for its use.*
 45 *3. A city may elect not to have a planning and*
 46 *zoning commission, prepare a comprehensive plan, and*
 47 *adopt ordinances under this chapter. If the election*
 48 *is made by the city, the limitation of section 358A.3*
 49 *shall not apply and the county shall have zoning*
 50 *jurisdiction as provided in chapter 358A within the*

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1 *limits of the city. Property owners affected by the*
 2 *county zoning regulations in the city have the same*
 3 *rights of hearing, protest, and appeal as those within*
 4 *the unincorporated area of the county. A city which*
 5 *has made this election may reverse that decision by*
 6 *establishing a planning and zoning commission and*
 7 *adopting ordinances under this chapter after giving*
 8 *notice to the county board of supervisors. Upon the*
 9 *ordinances becoming effective, the county shall cease*
 10 *to have jurisdiction in the city. After notice has*
 11 *been given to the board of supervisors and until the*
 12 *ordinances become effective the county shall not*
 13 *change the ordinances effective in that city without*
 14 *the city's approval.*

15 *Sec. 18. Section 414.5, Code 1981, is amended*
 16 *to read as follows:*

17 *414.5 CHANGES-HEARING-NOTICE. [Such] The*
 18 *regulations, restrictions, and boundaries may[from*
 19 *time to time,] be amended, supplemented, changed,*
 20 *modified, or repealed. In case, however, of a protest*
 21 *against [such] a change signed by the owners of twenty*
 22 *percent or more either of the area of the lots included*
 23 *in [such] the proposed change, or of those immediately*
 24 *adjacent in the rear thereof extending the depth of*
 25 *one lot or not to exceed two hundred feet therefrom,*
 26 *or of those directly opposite thereto, extending the*
 27 *depth of one lot or not to exceed two hundred feet*
 28 *from the street frontage of [such] the opposite lots,*
 29 *[such] an amendment shall not become effective except*
 30 *by the favorable vote of at least three-fourths of*
 31 *all the members of the council. The provisions of*
 32 *section 414.4 relative to public hearings and official*
 33 *notice [shall] apply equally to all changes or*
 34 *amendments. If the amendment conflicts with the*
 35 *comprehensive plan, the council shall amend the plan*
 36 *before amending the regulations, restrictions, or*
 37 *boundaries.*

38 *Sec. 19. Section 414.6, Code 1981, is amended*
 39 *to read as follows:*

40 414.6 *PLANNING AND ZONING COMMISSION*. In order
41 to avail itself of the powers conferred by this
42 chapter, the council shall appoint a commission, to
43 be known as the *planning and zoning commission*, to
44 recommend the boundaries of the various original
45 districts, and appropriate regulations and restrictions
46 to be enforced therein. Where a city plan commission
47 already exists, it may be appointed as the zoning
48 commission. *A majority of the commission shall be*
49 *persons representing the public at large and shall*
50 *not be involved in the business of purchasing or*

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1 *selling real estate*. [Such] *The commission shall*, with
2 due diligence,] prepare a preliminary report and hold
3 public hearings thereon before submitting its final
4 report; and[such] *the council shall not hold its public*
5 hearings or take action until it has received the
6 final report of [such] *the commission*. After the
7 adoption of [such] regulations, restrictions, and
8 boundaries of districts, the zoning commission may[,
9 from time to time,] recommend to the council amendments,
10 supplements, changes, or modifications. *At least*
11 *every three years the commission shall review the*
12 *regulations, restrictions, and boundaries of districts*.

13 Sec. 20. Section 414.23, Code 1981, is amended
14 by striking the section and inserting in lieu thereof
15 the following:

16 414.23 *EXTENDING BEYOND CITY LIMITS*. The powers
17 granted by this chapter may be extended by ordinance
18 by any city to the unincorporated area two miles
19 beyond the limits of the city. The ordinance shall
20 describe in general terms the area to be included.
21 The exemption from regulation granted by section
22 358A.2 to property used for agricultural purposes
23 applies to the unincorporated area. If the limits
24 of the city are at any place less than four miles
25 distant from the limits of any other city which extends
26 its zoning jurisdiction under this section, the powers
27 granted in this section shall extend to a line
28 equidistant between the limits of the cities.

29 Ordinances or amendments adopted by a city under
30 this chapter shall not become effective for the
31 unincorporated area until approved by the county board
32 of supervisors. If the city and the county board
33 of supervisors are unable to agree on the zoning
34 regulations for the unincorporated area within sixty
35 days after presentation to the county board of

36 supervisors, the parties shall submit the matter to
 37 the county land preservation commission which shall
 38 determine the regulation for the area.

39 Property owners affected by such zoning regulations
 40 have the same rights of hearing, protest, and appeal
 41 as those within the municipality exercising this
 42 power.

43 Sec. 21. Chapter 472, Code 1981, is amended by
 44 adding the following new section:

45 *NEW SECTION.* Prior to instituting proceedings
 46 for condemnation the applicant shall submit a copy
 47 of the application to the county or city planning
 48 and zoning commission having jurisdiction over the
 49 property sought to be condemned.

50 Sec. 22. INITIAL TERMS. The initial terms of

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1 the members of the county commission shall be terms
 2 of one, two, and three years. At the first meeting
 3 of the county commission the members appointed by
 4 the board of supervisors, the members appointed by
 5 the district soil conservation commissioners, and
 6 the members appointed by the mayors and councilpersons
 7 shall separately determine among themselves by lot
 8 which of the members shall have an initial term of
 9 one, two, or three years. If one city has appointed
 10 three members, those members shall separately determine
 11 by lot which of those members shall have an initial
 12 term of one, two, or three years. The county com-
 13 missions shall be established by and the terms of
 14 their members shall commence on January 1, 1982.

15 Prior to April 1, 1982, the department of soil
 16 conservation shall hold the congressional district
 17 conventions. Of the initial terms of office of the
 18 members of the state commissioner, one member from
 19 each congressional district convention shall have
 20 a term of two years and two members shall have terms
 21 of four years. The member who shall have a two-year
 22 initial term shall be determined by lot among the
 23 three members at the congressional district convention.
 24 The terms of the members of the state commission shall
 25 commence on April 1, 1982.

26 Sec. 23. Chapter 93A, Code 1981, is repealed."

ARTHUR A. SMALL, JR.
 DAVID M. READINGER

S-5238

1 Amend Senate File 2218 as follows:

2 1. Page 4, line 33, by inserting after the word
3 "inventories" the words "and county land use plans".

4 2. Page 4, line 35, by inserting after the word
5 "inventories" the words "and county land use plans".

6 3. Page 5, line 4, by inserting after the word
7 "inventory" the words "and county land use plan as
8 required by subsection 3 of this section".

9 4. Page 5, lines 5 and 6, by inserting after the
10 word "inventory" the words "and land use plan".

11 5. Page 5, line 7, by inserting after the word
12 "inventory" the words "and land use plan".

13 6. Page 5, line 9, by striking the word "hearing"
14 and inserting in lieu thereof the word "hearings".

15 7. Page 5, by striking lines 10 through 14 and
16 inserting in lieu thereof the following:

17 "3. By January 1, 1984, a county commission shall
18 develop a county land use plan and shall make
19 recommendations for implementation of the plan to
20 the county board. The county board within a reasonable
21 time shall consider and implement those recommendations
22 and other submissions, reports, and recommendations
23 as it deems appropriate."

24 8. Page 5, line 16, by striking the words "and
25 recommendation" and inserting in lieu thereof the
26 words ", land use plan and the county board's
27 implementation actions".

28 9. Page 5, line 18, by inserting after the word
29 "inventory" the words "and land use plan".

30 10. Page 5, line 20, by inserting after the word
31 "inventories" the words ", land use plans".

32 11. Page 6, by inserting after line 16 the
33 following:

34 "Sec. ____ *NEW SECTION. COUNTY PLANS.* In the
35 development of the county land use plan compiled under
36 section 6 of this Act, the commission shall consider
37 at least the following:

38 1. Methods of preserving prime agricultural lands
39 for agricultural production.

40 2. Methods of preserving and providing for
41 recreational areas, forests, wetlands, streams, lakes,
42 aquifers, and critical areas.

43 3. Methods of developing key facilities and large-
44 scale developments.

45 4. Provisions for future housing, commercial,
46 industrial, and recreational needs.

47 5. A formal county system to allow variances from

48 the county land use plan that incorporates the
 49 examination of alternatives and a public hearing on
 50 such alternatives.

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1 6. Methods of implementation of the plan.
 2 7. In addition, county land use commissions shall
 3 consider allowing the voluntary formation of
 4 agricultural areas by landowners."
 5 12. Page 6, line 18, by striking the figure "1."
 6 13. Page 6, line 20, by striking the word
 7 "recommendations" and inserting in lieu thereof the
 8 word "plan".
 9 14. Page 6, by striking line 23 through page 7,
 10 line 4.
 11 15. Page 10, by striking lines 16 through 18.
 12 16. Page 13, by striking line 28 through page
 13 16, line 2.
 14 17. Page 17, by inserting after line 19 the
 15 following:
 16 "Sec. ____ Chapter 657, Code 1981, is amended
 17 by adding the following new section:
 18 *NEW SECTION. AGRICULTURAL OR FARMING OPERATIONS.*
 19 An agricultural or farming operation lying wholly
 20 within an agricultural area established by sections
 21 9 through 15 of this Act or any of its appurtenances
 22 but not including livestock feedlots shall not be
 23 or become a public or private nuisance because of
 24 a changed land use in or around the locality of that
 25 agricultural or farming operation after it has been
 26 in operation for more than one year. This section,
 27 does not apply whenever a nuisance results from the
 28 negligent, improper, or illegal operation of any
 29 agricultural or farming operation or its
 30 appurtenances."
 31 18. By renumbering the sections and correcting
 32 internal references to conform with this amendment.

JULIA GENTLEMAN
 DAVID M. READINGER
 JOHN S. MURRAY

S-5239

1 Amend Senate File 2218 as follows:
 2 1. By striking all after the enacting clause and
 3 inserting in lieu thereof the following:
 4 "Section 1. *NEW SECTION. STATEMENT OF PUBLIC*
 5 *POLICY.* It is the public policy of the state of Iowa

6 and the objectives of this Act to provide for the
7 orderly development of land and related natural
8 resources in Iowa, to preserve the use of prime
9 agricultural land for agricultural production, to
10 preserve natural, cultural and historical areas, to
11 provide for future recreational needs, to provide
12 for greater uniformity of local land development
13 plans, and to control urban sprawl, and thereby provide
14 for the protection and preservation of the private
15 and public interest in the land, water, and related
16 resources of this state for the benefit of present
17 and future generations.

18 Sec. 2. *NEW SECTION. DEFINITIONS.* As used in
19 this Act unless the context otherwise requires:

20 1. "Commission" means the state land use policy
21 commission.

22 2. "Director" means the director of the state
23 land use policy commission.

24 Sec. 3. *NEW SECTION. COMMISSION CREATED.* There

25 is created a state land use policy commission
26 consisting of nine members appointed by the governor
27 with the consent of two thirds of the members of the
28 senate. The term of office of each member shall be
29 four years beginning and ending as provided in section
30 69.19. In the selection of the membership,
31 consideration shall be given to representation from
32 the various geographical areas of the state and each
33 member shall be additionally qualified as follows:
34 one member shall be a person who is actively engaged
35 in diversified farming operations; one member shall
36 be a person who is actively engaged in the management
37 of a manufacturing business; one member shall be a
38 person who is actively engaged in the management of
39 a transportation or utility business; one member shall
40 be a person who has a working knowledge of city or
41 county government; one member shall be a person who
42 is involved in soil conservation work, and four members
43 shall be persons who are chosen to represent the
44 general public. Each member of the commission shall
45 also be an elector of this state, but no member shall
46 be a full-time employee of state government or of
47 the government of the United States.

48 Sec. 4. *NEW SECTION. VACANCY-REMOVAL OF MEMBER.*

49 A vacancy on the commission shall be filled by
50 appointment by the governor for the unexpired term

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1 and shall be subject to the same qualifications as
2 the original appointment.

3 The governor may remove any commission member for
4 cause.

5 Sec. 5. *NEW SECTION. COMPENSATION.* Each member
6 of the commission, not otherwise in the full-time
7 employment of a public agency, shall receive the sum
8 of forty dollars for each day that the member is
9 engaged in the discharge of official duties and each
10 member of the commission shall also be compensated
11 for travel and other necessary expenses incurred while
12 engaged in the performance of official duties.

13 Sec. 6. *NEW SECTION. ORGANIZATION.* The commission
14 shall organize annually by the election of a
15 chairperson and vice chairperson. Meetings may be
16 called by the chairperson at any time and shall be
17 called as soon as possible by the chairperson on the
18 written request of five members of the commission.
19 A majority of the commission shall constitute a quorum
20 and the concurrence of a quorum of the commission
21 shall be required to determine any matter within its
22 duties.

23 Sec. 7. *NEW SECTION. DIRECTOR APPOINTED--DUTIES.*
24 The commission shall appoint a director who shall
25 serve at its pleasure. The director shall be selected
26 on the basis of administrative abilities and
27 governmental planning qualifications. The salary
28 of the director shall be determined by the general
29 assembly.

30 The director shall be responsible for performing
31 the duties assigned by the commission.

32 The director may appoint, with approval of the
33 commission, the technical, professional, secretarial,
34 and clerical staff necessary to accomplish the duties
35 assigned by the commission, subject to the provisions
36 of chapter 19A.

37 The director and other employees of the commission
38 shall receive, in addition to salary, their necessary
39 traveling and related expenses incurred when engaged
40 in the performance of official business.

41 Sec. 8. *NEW SECTION. DUTIES OF COMMISSION.* The
42 commission shall:

43 1. Develop state land use policy for approval
44 of the general assembly and make recommendations,
45 including proposed legislation, concerning the
46 implementation of the policy as soon as possible.

47 2. Authorize the application for, receipt, and
48 expenditure of any private or public funds for the
49 purpose of implementing the provisions of this Act.

50 3. Identify land use issues facing the state of

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1 Iowa.

2 4. Evaluate current land use legislation, policies,
3 and regulations.

4 5. Coordinate, assemble, and maintain a land
5 capability inventory.

6 6. Advise, consult and cooperate with other public
7 or private agencies in the development of state land
8 use policy and in the preparation of recommendations
9 for consideration by the general assembly. The
10 commission may request the assistance or advice of
11 any public or private person or agency in carrying
12 out its assigned duties under this Act.

13 7. Make a concise annual report to the governor
14 and the general assembly, which report shall contain
15 information relating to the accomplishments of the
16 commission and include recommendations for legislative
17 action. The annual report shall conform to the
18 provisions of section 17.3.

19 8. Approve the commission budget request submitted
20 by the director.

21 9. Approve all contracts and agreements between
22 the commission and other public or private person
23 or agency.

24 10. Obtain an adequate public employees fidelity
25 bond to cover those employees of the commission
26 accountable for property or funds of this state.

27 11. Adopt, amend or repeal internal rules and
28 regulations recommended by the director for the
29 effective administration of the commission.

30 Sec. 9. *NEW SECTION. GUIDELINES.* In developing
31 a state land use policy and preparing recommendations
32 relating to its implementation, the commission shall
33 conform to the following guidelines:

34 1. Provide for the implementation of state or
35 local land use plans by local governmental agencies.

36 2. Provide for the review and approval of local
37 land use plans by a state land use agency.

38 3. Provide for review of variances to local land
39 use plans by a state land use agency.

40 4. Provide for an appeal procedure concerning
41 any local land use decision.

42 5. Provide for public hearings before a local
43 land use plan is adopted or amended.

44 6. Provide guidance for state agencies which are
45 involved in the acquisition, use and control of land.

46 7. Provide for the preservation of natural,
47 cultural and historical areas or facilities.

- 48 8. Provide for the regulation of large-scale
 49 developments.
 50 9. Provide for restricting the development and

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- 1 construction of incompatible facilities or structures
 2 on flood plains.
 3 10. Provide for the regulation of the use of
 4 underground resources.
 5 11. Provide for the maximum degree of uniformity
 6 of local land use plans with due consideration given
 7 to the unique characteristics and problems of each
 8 local government.
 9 12. Provide for future recreational areas of the
 10 state and give consideration to park trails.
 11 13. Consider establishing control areas or setbacks
 12 along public highways.
 13 14. Consider establishing standards for the
 14 development of residential, commercial and industrial
 15 property.
 16 15. Consider preserving land for future public
 17 use.
 18 16. Encourage the careful consideration of the
 19 agricultural use of land in any land use decision.
 20 Sec. 10. *NEW SECTION. DISBURSEMENTS.* The state
 21 comptroller shall draw warrants on the treasurer of
 22 state for all disbursements authorized by the
 23 provisions of this Act upon the submission of vouchers
 24 signed by the director.
 25 Sec. 11. *NEW SECTION. OFFICE FACILITIES.* The
 26 executive council shall provide the commission with
 27 appropriate office facilities.
 28 Sec. 12. In making the initial appointments to
 29 the commission, the governor shall appoint five members
 30 for four-year terms and four members to two-year
 31 terms. Notwithstanding section 7 of this Act, the
 32 commission shall initially determine the salary of
 33 the director, not to exceed twenty-five thousand
 34 dollars per annum."

ARTHUR A. SMALL, JR.

HOUSE AMENDMENT TO SENATE FILE 2134

S-5240

- 1 Amend Senate File 2134, as passed by the Senate,
 2 as follows:
 3 1. Page 1, by inserting before line 1 the following

4 new section:

5 "Section 1. Section 321.1, subsection 71, Code
6 1981, as amended by Acts of the Sixty-ninth General
7 Assembly, Second Extraordinary 1981 Session, chapter
8 2, section 5, is amended to read as follows:

9 71. A "special truck" means a motor truck not
10 used for hire with a gross weight registration of
11 eight through twenty tons used by a person engaged
12 in farming to transport commodities produced only
13 by the owner, or to transport commodities purchased
14 by the owner for use in the owner's own farming
15 operation or occasional use for charitable purposes.
16 *"Special truck" also means a truck tractor which is*
17 *modified by removal of a fifth wheel and carries the*
18 *full load on the motor truck and which by reason of*
19 *its conversion becomes a motor truck."*

20 2. Amend the title, line 10, by inserting after
21 the word "axle" the words "and defining special truck".

S-5241

1 Amend Senate File 2205 as follows:

2 1. By striking page 2, line 32 through page 3,
3 line 6.

4 2. By striking page 6, line 12 through page 7,
5 line 1 and inserting in lieu thereof the words "of
6 Canada, provided that a company shall not invest more
7 than five percent of its admitted assets in the
8 obligations of any one corporation or business trust."

9 3. By striking page 7, line 2 through page 8,
10 line 18, and inserting in lieu thereof the following:

11 "f. STOCKS. A company may invest in common stocks,
12 common stock equivalents, mutual fund shares,
13 securities convertible into common stocks or common
14 stock equivalents, or preferred stocks issued or
15 guaranteed by a corporation incorporated under the
16 laws of the United States or a state of the United
17 States, or the laws of Canada or a province of Canada.

18 (1) Stocks purchased under this section shall
19 not exceed one hundred percent of capital and surplus.
20 With the approval of the commissioner, a company may
21 invest any amount in common stocks, preferred stocks,
22 or other securities of one or more subsidiaries
23 provided that after such investments the insurer's
24 surplus as regards policyholders will be reasonable
25 in relation to the insurer's outstanding liabilities
26 and adequate to its financial needs.

27 (2) A company shall not invest more than ten
28 percent of its capital and surplus in the stocks of

29 any one corporation.”

30 4. Page 12, by inserting after line 14 the
31 following:

32 “Sec. 2. Section 515B.5, subsection 1, paragraph
33 a, Code 1981, is amended to read as follows:

34 a. Be obligated to the extent of the covered
35 claims existing prior to the determination of
36 insolvency and arising within thirty days after the
37 determination of insolvency, or before the policy
38 expiration date if less than thirty days after the
39 determination, or before the insured replaces the
40 policy or on request effects cancellation if [he] *the*
41 *insured* does so within thirty days of the
42 determination. [Such] *This* obligation shall include
43 only that amount of each covered claim which is in
44 excess of one hundred dollars and less than [three]
45 *five* hundred thousand dollars, except that the
46 association shall pay the full amount of any covered
47 claim arising out of a workers’ compensation policy.
48 In no event shall the association be obligated to
49 a policyholder or claimant in an amount in excess
50 of the [face amount] *specified limits* of the policy

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1 from which the claim arises.”

2 5. By renumbering sections.

LUCAS J. DE KOSTER

S-5242

1 Amend Senate File 2238 as follows:

2 1. Page 1, by inserting after line 20 the following
3 new section:

4 “Sec. 2. This Act, being deemed of immediate
5 importance, takes effect from and after its publication
6 in the Ankeny Press-Citizen, a newspaper published
7 in Ankeny, Iowa, and in the Urbandale News, a newspaper
8 published in Urbandale, Iowa.”

DAVID M. READINGER

S-5243

1 Amend the amendment S-5236 to Senate File 2218 as
2 follows:

3 1. Page 1, by striking lines 16 through 21, and
4 inserting in lieu thereof the following: “person
5 engaged in farming, or by a family farm operation.”

- 6 2. Page 1, line 36, by striking the word "seriously".
 7 3. Page 1, line 38, by striking the word
 8 "materially".

JAMES V. GALLAGHER

S-5244

- 1 Amend Senate File 2250 as follows:
 2 1. Page 1, line 7, by striking the words "supreme
 3 court rules" and inserting in lieu thereof the words
 4 "*other rules prescribed by the supreme court [rules]*".
 5 2. Page 1, line 14, by striking the words "the
 6 rules of the supreme court," and inserting in lieu
 7 thereof the words "[the rules of the supreme court,]".
 8 3. Page 1, lines 15 and 16, by striking the words
 9 "and rules of appellate procedure" and inserting in
 10 lieu thereof the words "[and] rules of appellate
 11 procedure, *and other rules prescribed by the supreme*
 12 *court*".
 13 4. Page 1, line 19, by striking the words "rules
 14 of the supreme court,".
 15 5. Page 1, line 21, by inserting after the word
 16 "procedure" the words ", and other rules prescribed
 17 by the supreme court".
 18 6. Page 1, line 35, by striking the words "extra
 19 session of the Fortieth General" and inserting in
 20 lieu thereof the words "[extra] 1982 regular session
 21 of the [Fortieth] *Sixty-ninth* General".
 22 7. Page 2, by striking lines 1 through 3 and
 23 inserting in lieu thereof the words "Assembly shall
 24 be known and cited as ["The Code"
 25 "supplement to the Code", giving year
 26 of edition of such Code or supplement thereto] "*Iowa*
 27 *Code chapter (or section)*", or "*Iowa*
 28 *Code supplement chapter (or section)*", *inserting the*
 29 *appropriate chapter or section number and year of*
 30 *edition.*"
 31 8. Page 2, by striking lines 10 through 12 and
 32 inserting in lieu thereof the following: "(inserting
 33 the appropriate number) *and shall be cited as ". . . .*
 34 *Iowa Acts, chapter , section*" (*inserting*
 35 *the appropriate year, chapter, or section number*)."
 36 9. Title page, line 3, by inserting after the
 37 words "to the Code" the words "or the Acts".

CALVIN O. HULTMAN

S-5245

1 Amend the Committee amendment, S-5219, to Senate
2 File 2091 as follows:

3 1. Page 1, by striking line 37 through page 2,
4 line 9, and inserting in lieu thereof the words "by
5 adding the following new unnumbered paragraph:".

6 2. Page 2, by inserting after line 12 the
7 following:

8 "Sec. ____ Chapter 214A, Code 1981, is amended
9 by adding the following new section:

10 *NEW SECTION.* Any retail dealer who sells or holds
11 for sale motor vehicle fuel containing ethanol shall
12 conspicuously post upon any container or pump from
13 which the motor fuel is being sold, a notice, in
14 letters at least one inch high, showing the percentage
15 of ethanol contained in the motor fuel."

16 3. By striking page 2, line 46 through page 3,
17 line 10, and inserting in lieu thereof the following:

18 "For the privilege of operating motor vehicles
19 in this state an excise tax of [five cents per gallon
20 for the period beginning May 1, 1981 and ending August
21 31, 1981 and an excise tax of] six cents per gallon
22 for the period beginning September 1, 1981 and ending
23 June 30, [1983] 1982, an excise tax of eight cents per
24 gallon for the period beginning July 1, 1982 and
25 ending December 31, 1982, an excise tax of ten cents
26 per gallon for the period beginning January 1, 1983
27 and ending December 31, 1983, an excise tax of eleven
28 cents per gallon for the period beginning January
29 1, 1984 and ending December 31, 1984, an excise tax
30 of twelve cents per gallon beginning January 1, 1985
31 and ending December 31, 1985, is imposed upon the
32 use of gasohol used for any purpose except as otherwise
33 provided in this division. *This unnumbered paragraph
34 and the taxes imposed under it shall be ineffect
35 only if the provisions of section 707 of this Act
36 are determined to be unconstitutional by a court of
37 law or during the period of time any judicial order
38 is in effect prohibiting the enforcement of section
39 707 of this Act while the constitutional issue is
40 being litigated.*

41 Sec. ____ Section 324.8, subsection 6, Code 1981,
42 as amended by Acts of the Sixty-ninth General Assembly,
43 Second extraordinary 1981 Session, chapter 2, section
44 11, is amended by striking the subsection.

45 Sec. ____ Section 324.8, subsection 7, Code 1981,
46 is amended to read as follows:

47 7. The sum of the tax due under [subsections]

48 subsection 5 [and 6] shall be the amount of motor fuel
49 tax in dollars and cents due from the distributor
50 for the next preceding calendar month. Any outstanding

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1 credit memoranda issued by the department of revenue
2 to the distributor may be applied against the amount
3 due.

4 Sec. ____ Section 324.8, unnumbered paragraph
5 2, Code 1981, is amended by striking the unnumbered
6 paragraph.

7 Sec. ____ Section 324.18, Code 1981, is amended
8 to read as follows:

9 324.18 REFUND PERMIT. [No] A person may *not* claim
10 a refund under section 324.17 [or section 324.21] until
11 the person [shall have] *has* obtained a refund permit
12 from the department of revenue and paid the fee
13 [therefor] *for the permit*. A special permit shall be
14 obtained by applicants claiming a refund under [the
15 provisions of] this chapter on account of motor fuel
16 used for the purpose of operating aircraft [or used
17 to blend gasohol]. Application for a refund permit
18 shall be made to the department of revenue on a form
19 provided by the department of revenue, shall be
20 certified by the applicant under penalty for false
21 certificate and shall contain among other things,
22 the name, [the] address, and occupation of the applicant,
23 the nature of the applicant's business, and a
24 sufficient description for identification of the
25 machines and equipment in which is to be used motor
26 fuel for which refund may be claimed under the permit.
27 Each permit shall bear a separate number and each
28 claim for refund shall bear the number of the permit
29 under which it is made. The department of revenue
30 shall keep a permanent record of all permits issued
31 and a cumulative record of the amount of refund claimed
32 and paid under each. A fee of one dollar shall be
33 collected by the department of revenue from each
34 person [to whom] *issued* a refund permit [is issued].
35 A refund permit shall continue in effect until revoked
36 or until the claimant [shall have] *has* moved from the
37 county with which the claimant's refund permit is
38 identified.

39 Sec. 707. Chapter 324, Code 1981, is amended by
40 adding the following new section to division I:

41 *NEW SECTION*. The number of invoiced gallons of
42 ethanol received by a distributor in any month either
43 in neat form or blended with motor fuels shall

44 constitute a portion of that distributor's total
 45 invoiced gallonage of motor fuel taxed under section
 46 324.8 equal to or exceeding three percent for the
 47 period beginning July 1, 1982 and ending December
 48 31, 1982, three and one-half percent for the period
 49 beginning January 1, 1983 and ending June 30, 1983,
 50 four percent for the period beginning July 1, 1983

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1 and ending December 31, 1983, four and one-half percent
 2 for the period beginning January 1, 1984 and ending
 3 June 30, 1984, and five percent thereafter. However,
 4 the department of revenue shall waive or adjust this
 5 requirement if, upon investigation, the secretary
 6 of agriculture finds the quantity of ethanol available
 7 for distribution in any or all regions of the state
 8 is insufficient to carry out the provisions of this
 9 section, or if, upon investigation, the secretary
 10 of agriculture finds that the use of ethanol as a
 11 motor fuel would jeopardize the food supplies of the
 12 state or the nation.

13 Sec. ____ Section 324.33, subsection 1, Code 1981,
 14 is amended by adding the following new unnumbered
 15 paragraph:

16 *NEW UNNUMBERED PARAGRAPH.* Ethyl alcohol not blended
 17 with motor fuel is defined as being a special fuel.
 18 However, this paragraph shall not be in effect if
 19 the provisions of section 707 of this Act are
 20 determined to be unconstitutional by a court of law
 21 or during the period of time any judicial order is
 22 in effect prohibiting the enforcement of section 707
 23 of this Act while the constitutional issue is being
 24 litigated.

25 Sec. ____ Section 324.74, Code 1981, is amended
 26 by adding the following new subsection immediately
 27 following subsection 9:

28 *NEW SUBSECTION.* For any motor fuel distributor
 29 to knowingly fail, neglect or refuse to comply with
 30 section 707 of this Act.

31 Sec. ____ Section 324.6 and 324.21, Code 1981,
 32 are repealed.

33 Sec. ____ Acts of the Sixty-ninth General Assembly,
 34 Second extraordinary 1981 Session, chapter 2, section
 35 15 is repealed."

36 4. Page 3, by striking lines 12 through 14 and
 37 inserting in lieu thereof the following: "the word
 38 "gasohol" the words " , providing an excise tax on
 39 ethyl alcohol used by motor vehicles, requiring motor

40 fuel distributors to receive a certain percentage
 41 of ethanol, and providing a penalty.”
 42 5. By renumbering sections and correcting internal
 43 references as necessary.

RICHARD F. DRAKE
 C.W. BILL HUTCHINS

S-5246

1 Amend Senate File 2091 as follows:
 2 1. Page 1, line 9, by striking the word “*nine*”
 3 and inserting in lieu thereof the word “*ten*”.
 4 2. Page 1, line 10, by striking the word “*April*”
 5 and inserting in lieu thereof the word “*May*”.

EDGAR H. HOLDEN

S-5247

1 Amend the Committee on Ways and Means amendment,
 2 S-5219, to Senate File 2091, as follows:
 3 1. Page 1, by striking line 37 through page 2,
 4 line 9, and inserting in lieu thereof the following:
 5 “by adding the following new unnumbered paragraph:”
 6 2. Page 3, by inserting after line 5 the following:
 7 “Sec. 708. Chapter 324, Code 1981, is amended
 8 by adding the following new section to division I:
 9 *NEW SECTION.* The number of invoiced gallons of
 10 ethanol received by a distributor in any month either
 11 in neat form or blended with motor fuels shall
 12 constitute a portion of that distributor’s total
 13 invoiced gallonage of motor fuel taxed under section
 14 324.8 equal to or exceeding three percent for the
 15 period beginning July 1, 1982 and ending December
 16 31, 1982, three and one-half percent for the period
 17 beginning January 1, 1983 and ending June 30, 1983,
 18 four percent for the period beginning July 1, 1983
 19 and ending December 31, 1983, four and one-half percent
 20 for the period beginning January 1, 1984 and ending
 21 June 30, 1984, and five percent thereafter. However,
 22 the department of revenue shall waive or adjust this
 23 requirement if, upon investigation, the secretary
 24 of agriculture finds the quantity of ethanol available
 25 for distribution in any or all regions of the state
 26 is insufficient to carry out the provisions of this
 27 section, or if, upon investigation, the secretary
 28 of agriculture finds that the use of ethanol as a
 29 motor fuel would jeopardize the food supplies of the
 30 state or the nation.

31 Sec. ____ Section 324.74, Code 1981, is amended
 32 by adding the following new subsection immediately
 33 following subsection 9:
 34 *NEW SUBSECTION.* For any motor fuel distributor
 35 to knowingly fail, neglect or refuse to comply with
 36 section 708 of this Act."
 37 3. By renumbering sections and correcting internal
 38 references as necessary.

ROLF V. CRAFT

S-5248

1 Amend the Committee on Ways and Means amendment,
 2 S-5219, to Senate File 2091, as follows:
 3 1. Page 2, line 50, by striking the words "*and*
 4 *ending*".
 5 2. Page 3, by striking lines 1 and 2 and inserting
 6 in lieu thereof the word "*and*".

ROLF V. CRAFT

S-5249

1 Amend Senate File 2091 as follows:
 2 1. Page 1, line 9, by striking the word "*March*"
 3 and inserting in lieu thereof the word "*April*".
 4 2. Page 1, line 9, by striking the word "*nine*"
 5 and inserting in lieu thereof the word "*ten*".
 6 3. Page 1, line 10, by striking the word "*April*"
 7 and inserting in lieu thereof the word "*May*".

EDGAR H. HOLDEN

S-5250

1 Amend Senate File 2218 as follows:
 2 1. Page 15, by striking lines 3 and 4.
 3 2. Page 15, line 14, by inserting after the word
 4 "safety." the words "A city, county or other unit
 5 of local government shall not be subject to liability
 6 because it has not enacted, applied or enforced local
 7 laws, ordinances or other rules or regulations to
 8 an agricultural area or agricultural district
 9 notwithstanding the existence of another statute which
 10 would otherwise require it to do so."
 11 3. Page 17, by striking lines 23 through 30 and
 12 inserting in lieu thereof, the words "subdivision of
 13 the state."

FORREST V. SCHWENGELS

HOUSE AMENDMENT TO SENATE FILE 2084

S-5251

1 Amend Senate File 2084 as follows:

2 1. Page 4, by inserting after line 10 the
3 following:

4 "Sec. ____ Acts of the Sixty-ninth General
5 Assembly, Second Extraordinary 1981 Session, chapter
6 1, section 4, subsection 2, is amended to read as
7 follows:

8 2. Each odd-numbered senatorial district
9 established by section 41.2, which the general assembly
10 adopts by reference, and section 2 of this Act shall
11 elect a senator in 1982 for a four-year term commencing
12 in January, 1983. If an incumbent senator who was
13 elected to a four-year term which commenced in January,
14 1981, or was subsequently elected to fill a vacancy
15 in such a term, is residing in *the geographic area*
16 *of an odd-numbered senatorial district* on [April 2,
17 1982] *September 15, 1981*, that senator's term of office
18 shall be terminated on January 1, 1983.

19 Sec. ____ Acts of the Sixty-ninth General Assembly,
20 Second Extraordinary 1981 Session, chapter 1, section
21 4, subsection 3, paragraph a, is amended to read as
22 follows:

23 a. If one and only one incumbent state senator
24 is residing in *the geographic area of an even-numbered*
25 *senatorial district* on [April 2, 1982] *September 15,*
26 *1981*, and that senator was elected to a four-year
27 term which commenced in January, 1981 or was
28 subsequently elected to fill a vacancy in such a term,
29 the senator shall represent the district in the senate
30 for the Seventieth General Assembly.

31 Sec. ____ Section 42.4, subsection 8, Code 1981,
32 is amended by adding the following new paragraph:

33 **NEW PARAGRAPH.** Paragraphs a and b do not apply
34 to amendments adopted in the year 1982."

35 2. Page 4, line 15, by inserting after the word
36 "Iowa" the words "and is retroactive to September
37 16, 1981".

38 3. By renumbering as necessary.

S-5252

1 Amend the amendment S-5227 to Senate File 2218 as
2 follows:

3 1. Page 4, by striking lines 42 through 44 and
4 inserting in lieu thereof the following: "The

- 5 guidelines shall identify and establish minimum
- 6 subject areas to be addressed in the plan, but shall
- 7 not mandate a specific solution to the subject areas."

ARNE WALDSTEIN

S-5253

- 1 Amend Senate File 2218 as follows:
- 2 1. Page 10, line 29, by inserting after the word
- 3 "county," the words "The county board may file a
- 4 petition for withdrawal of land from an agricultural
- 5 area on its own motion at any time."

MICK LURA

S-5254

- 1 Amend the amendment S-5227 to Senate File 2218 as
- 2 follows:
- 3 1. Page 5, by striking lines 10 through 13, and
- 4 inserting in lieu thereof the following: "rejected,
- 5 may be amended and resubmitted within sixty days to the
- 6 state council or the county commission may cause the
- 7 question of approval of the plan to be placed on the
- 8 ballot of the next available countywide election."
- 9 2. Page 5, line 14, by striking the word "After"
- 10 and inserting in lieu thereof the word "If".
- 11 3. Page 5, line 21, by inserting after the word
- 12 "commission" the words "notwithstanding rejection of
- 13 the plan by the state council".

DICK RAMSEY

S-5255

- 1 Amend Senate File 2218 as follows:
- 2 1. Page 3, by striking line 34 through page 4,
- 3 line 1 and inserting in lieu thereof the following:
- 4 "3. The county commission at its first meeting
- 5 shall designate the department or agency which will
- 6 provide the commission with technical and
- 7 administrative assistance."
- 8 2. Page 4, by striking line 31 through page 5,
- 9 line 26 and inserting in lieu thereof the following:
- 10 "1. By January 1, 1983, the county commission
- 11 shall organize and the state council shall establish
- 12 advisory guidelines for the development of county
- 13 inventories and land use policy recommendations.
- 14 The guidelines shall inform the county commissions
- 15 of the procedure for completing the inventory and

16 policy development and of what information on those
17 subjects is available from state agencies.

18 2. By July 1, 1983, the county commission shall
19 compile the county inventory. Prior to submitting
20 the inventory to the state council, the commission
21 shall hold at least two public hearings on the
22 inventory. Within sixty days the commission shall
23 transmit the inventory, revised if necessary, to the
24 state council.

25 3. By January 1, 1984, the county commission shall
26 complete a study of land use issues, hold at least
27 two public hearings on the policy recommendations,
28 and transmit the revised recommendations concerning
29 land use in the county to its cities and county board.
30 The cities and county board, within a reasonable time,
31 shall consider the recommendations and other
32 submissions, reports, and recommendations as it deems
33 appropriate.

34 4. By July 1, 1984, the county commission shall
35 transmit the land use policy recommendations to the
36 state council.

37 5. The state council may request additional
38 information from a county commission after receipt
39 of its inventory and recommendations.

40 6. By January 1, 1985, the state council shall
41 evaluate the inventories and recommendations based
42 on the purposes of section 2 of this Act and submit
43 its findings and recommendations to the county
44 commission. A copy shall be retained by the county
45 auditor for public inspection.

46 7. By January 1, 1985, the state council shall
47 consider county inventories and the recommendations,
48 the recommendations of the temporary state land
49 preservation policy commission, and other submissions,
50 reports, and recommendations as it deems appropriate.

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1 The council shall submit its findings and
2 recommendations to the general assembly."

3 3. Page 5, by striking line 28 through page 6,
4 line 16 and inserting in lieu thereof the following:

5 "1. The county inventories are needed to inform
6 local residents of the location and amount of land
7 by general land use classifications and the location
8 and amount of recent farm land conversion to
9 nonagricultural uses. The county inventories compiled
10 under section 6 of this Act shall contain at least
11 the following information:

- 12 a. The lands used for farm land by general soils
13 association or soil suitability classifications.
- 14 b. The lands used or available for nonfarm
15 residential purposes outside of the corporate limits
16 of cities.
- 17 c. The lands used for commercial and industrial
18 purposes and includes lands used or held in reserve
19 for the orderly extraction of natural resources.
- 20 d. The lands used for public facilities, such
21 as transportation, government buildings, schools,
22 and parks.
- 23 e. The lands used for private open space, such
24 as woodlands, wetlands, vacant, and waterbodies.
- 25 f. The undeveloped lands inside city boundaries.
- 26 g. The lands converted over a recent twenty-year
27 period from farmland to residential use, commercial
28 and industrial use, and public facilities use.
- 29 2. The information required by subsection 1 shall
30 be provided in narrative and map form according to
31 guidelines established by the state council."
- 32 4. Page 7, by inserting after line 4 the following:
33 "3. A county which established agricultural
34 districts through county zoning prior to the effective
35 date of this Act shall not be required to reestablish
36 the agricultural districts."
- 37 5. Page 15, line 4, by inserting after the word
38 "area" the words "except such land may be annexed
39 if voluntarily requested by the landowner".
- 40 6. Page 17, by striking lines 20 through 30 and
41 inserting in lieu thereof the following:
42 "Sec. 30. This Act does not immediately invalidate
43 any part of a zoning ordinance which is in effect
44 on the effective date of this Act, or require the
45 adoption of a zoning ordinance by any subdivision
46 of the state. To the extent that a provision of a
47 zoning ordinance discourages the availability or
48 productivity of agricultural land, encourages urban
49 sprawl, or discourages efficient urban development,
50 the local government shall review its comprehensive

Page 3

- 1 plan and zoning ordinance and make changes as necessary
2 before January 1, 1985 to achieve the purpose of this
3 Act."
4 7. By renumbering the sections and correcting
5 internal references to conform with this amendment.

EDGAR H. HOLDEN

S-5256

- 1 Amend Senate File 2218 as follows:
2 1. Page 7, by striking line 5 through page 16,
3 line 2.
4 3. Page 16, by striking lines 12 through 14 and
5 inserting in lieu thereof the following: "*Ordinances*
6 *may also apply in agricultural districts to the extent*
7 *required to implement section 8 of this Act.*"

EDGAR H. HOLDEN

S-5257

- 1 Amend Senate File 2218 as follows:
2 1. Page 10, line 29, by inserting after the word
3 "county." the words "The county board and landowner
4 may file a joint petition for withdrawal of land from
5 an agricultural area at any time."

MICK LURA

S-5258

- 1 Amend Senate File 2218 as follows:
2 1. Page 6, by inserting after line 16, the following:
3 "3. The county commission shall, to the greatest
4 extent possible, use the information compiled under
5 Acts of the Sixty-seventh General Assembly, 1977 Session,
6 chapter 53, in compiling the inventories provided
7 under this section."

RAY TAYLOR

S-5259

- 1 Amend amendment S-5221 to Senate File 2218 as
2 follows:
3 1. Page 1, by inserting after line 18 the follow-
4 ing:
5 "4. "Qualified agricultural area" means an area
6 which is in agricultural use and for which an
7 application for a change to a nonagricultural use
8 has been denied under sections 2 and 3 of this Act."
9 2. Page 2, by inserting after line 10 the follow-
10 ing:
11 "Sec. 4. *NEW SECTION. INCENTIVES FOR AGRICULTURAL*
12 *LAND PRESERVATION.*
13 1. *NUISANCE RESTRICTION.* A farm operation located
14 in a qualified agricultural area shall not be found
15 to be a nuisance regardless of the established date

16 of operation or expansion of the agricultural
17 activities of the farm operation. This subsection
18 does not apply if the nuisance results from an activity
19 which is in violation of an applicable statute, rule,
20 or ordinance. For a feedlot as defined in chapter
21 172D, the applicability of rules and ordinances subject
22 to that chapter shall be as provided in that chapter.
23 This section does not apply to actions or proceedings
24 arising from injury or damage to persons or property
25 caused by the farm operation before the agricultural
26 area qualified. This subsection does not affect or
27 defeat the right of a person to recover damages for
28 an injury or damage sustained by the person because
29 of the pollution or change in condition of the waters
30 of a stream, the overflowing of the person's land,
31 or the excessive soil erosion onto another person's
32 land.

33 2. WATER PRIORITY. In the application for a
34 permit to divert, store, or withdraw water and in
35 the allocation of available water resources under
36 a water permit system, the Iowa natural resources
37 council shall give priority to the use of water
38 resources by farm operations, exclusive of irrigation,
39 located in a qualified agricultural area.

40 3. CONDEMNATION LIMITATION. The power of eminent
41 domain shall not be exercised by the state, its
42 political subdivisions, a school corporation, a public
43 authority, a public district or any other public body
44 upon farmland in a qualified agricultural area without
45 the consent of the county board.

46 4. ANNEXATION. A city shall not annex land that
47 is in a qualified agricultural area.

48 Sec. 5. *NEW SECTION.* LOCAL GOVERNMENT AUTHORITY.
49 A city, county, or other unit of local government
50 shall not exercise any of its powers to enact local

Page 2

1 laws, ordinances, or any other rules and regulations
2 within a qualified agricultural area in a manner which
3 would unreasonably restrict or regulate farm structures
4 or farm operations within the area in contravention
5 of the purposes and policies of this chapter unless
6 such governmental action bears an immediate and
7 compelling relationship to the public health or safety.

8 Sec. 6. *NEW SECTION.* STATE REGULATIONS. A rule
9 adopted by a state agency after the effective date
10 of this Act which would restrict or regulate farm
11 structures or farm operations shall not become

12 effective as applied to farm structures or farm
13 operations within a qualified agricultural area unless
14 prior to the adoption of the rule the agency finds
15 both of the following:

16 1. That the activity to be regulated within the
17 district or area has a substantial deleterious effect
18 outside of the area.

19 2. That the need for the application of the rule
20 within the area outweighs the policies of this chapter,
21 which include the encouragement of exclusively
22 agricultural activities within the area at a level
23 of intensity that would not be tolerated outside the
24 area.

25 In addition to the right of an interested person
26 granted in chapter 17A to request the agency to issue
27 a concise statement of the principal reasons for and
28 against the rule it adopted, a resident or owner of
29 land in a qualified agricultural area may request
30 the agency to include in that concise statement the
31 findings required for application within a qualified
32 agricultural area and the principal reasons used by
33 the agency in making the findings."

34 3. By renumbering the sections to conform with
35 this amendment.

MICK LURA

S-5260

1 Amend Senate File 2218 as follows:

2 1. By striking page 6, line 17 through page 7,
3 line 4 and inserting in lieu thereof the following:

4 "Sec. 8. *NEW SECTION. AGRICULTURAL DISTRICTS.*

5 A county may establish agricultural districts by
6 adopting ordinances under chapter 358A. The ordinances
7 must be consistent with those county land use
8 recommendations that have been adopted by the county
9 board under section 6 of this Act. Except as provided
10 below, agricultural districting ordinances shall limit
11 the use of the land in agricultural districts to farm
12 operations.

13 1. The following shall be permitted in an
14 agricultural district:

15 a. Residences constructed for occupation by a
16 person, or by a family having at least one member
17 who earns a substantial part of his or her livelihood
18 from farm operations on the parcel, or by a parent
19 or child of that farm operator. Nonconforming pre-
20 existing residences may be continued in residential
21 use.

- 22 b. Property of a telephone company, city utility
 23 as defined in section 390.1, public utility as defined
 24 in section 476.1, or pipeline company as defined in
 25 section 479.2.
- 26 c. Public or private elementary or secondary
 27 schools.
- 28 d. Churches.
- 29 e. Sanitary disposal projects authorized pursuant
 30 to chapter 455B of the Code.
- 31 2. The county board of supervisors may permit
 32 a use not listed in subsection 1 in an agricultural
 33 district only if it finds that use meets all of the
 34 following conditions:
- 35 a. The use is not inconsistent with the purposes
 36 set forth in section 2 of this Act.
- 37 b. The use does not interfere seriously with farm
 38 operations within the districts.
- 39 c. The use does not materially alter the stability
 40 of the overall land use pattern in the area.”
- 41 2. Page 10, line 17, by striking the words “,
 42 subsection 2,”.

DICK RAMSEY
 C.W. BILL HUTCHINS
 LUCAS J. DE KOSTER
 LOWELL L. JUNKINS

S-5261

- 1 Amend Senate File 156 as follows:
 2 1. Page 2, by inserting after line 26 the
 3 following:
 4 “3. A landowner, who is required by an adjoining
 5 landowner to erect, maintain, rebuild, or repair the
 6 portion of a partition fence or a tight fence, may
 7 ask the fence viewers to be relieved from the
 8 responsibility if the landowner does not receive any
 9 substantial benefit from the partition fence or the
 10 tight fence.”
- 11 2. By renumbering as necessary.

JAMES V. GALLAGHER

S-5262

- 1 Amend Senate File 2262 as follows:
 2 1. Page 1, line 8, by inserting after the word
 3 “placing” the words “asphalt or concrete”.

C.W. BILL HUTCHINS

S-5263

- 1 Amend the amendment S-5260 to Senate File 2218
 2 as follows:
 3 1. Page 1, by striking lines 16 through 21, and
 4 inserting in lieu thereof the following: "person
 5 engaged in farming or by a family farm operation."
 6 2. Page 1, line 37, by striking the word "seriously".
 7 3. Page 1, line 39, by striking the word
 8 "materially".

JAMES V. GALLAGHER

S-5264

- 1 Amend Senate File 2274 as follows:
 2 1. Page 1, lines 13 and 14, by striking the figures
 3 and words "[1986] 1987. The [First] Second" and inserting
 4 in lieu thereof the figure and words "1986. The
 5 First".
 6 2. Page 1, line 15, by striking the figures "[1985]
 7 1986" and inserting in lieu thereof the figure "1985".
 8 3. Page 1, line 17, by striking the figures "[1985]
 9 1986" and inserting in lieu thereof the figure "1985".
 10 4. Page 1, line 23, by striking the word and
 11 figures "*July 1, 1985*" and inserting in lieu thereof
 12 the word and figures "*September 1, [1985] 1984*".
 13 5. Page 1, line 29, by striking the figure "1985"
 14 and inserting in lieu thereof the figures "[1985] 1984".
 15 6. Page 1, line 29, by inserting after the word
 16 "interim" the words "*following the receipt of the*
 17 *final report from the legislative fiscal bureau*".

TOM SLATER

S-5265

- 1 Amend House File 2250 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 24, by inserting after the period
 4 the words "*The department shall post advertising*
 5 *devices providing specific information of interest*
 6 *to the traveling public relating to ski areas located*
 7 *near the freeway primary highway. The signs shall*
 8 *be those signs bearing the international logo for*
 9 *designation of ski areas and shall only be posted*
 10 *within two hundred fifty feet of an interchange on*
 11 *a freeway primary highway for the period beginning*
 12 *November 1 of each year to April 1 of the following*
 13 *year.*"

JOE BROWN

HOUSE AMENDMENT TO SENATE FILE 400

S-5266

- 1 Amend Senate File 400 as passed by the Senate,
 2 as follows:
 3 1. Page 1, by striking lines 16 through 18 and
 4 inserting in lieu thereof the following:
 5 "Sec. 2. This Act is retroactive to January 1,
 6 1982 for tax years beginning on or after January 1,
 7 1982."
 8 2. Title page, line 4, by striking the date
 9 "January 1" and inserting in lieu thereof the word
 10 "retroactive".

S-5267

- 1 Amend Senate File 2243 as follows:
 2 1. Page 1, line 22, by striking the word "may"
 3 and inserting in lieu thereof the word "shall".

RAY TAYLOR

S-5268

- 1 Amend Senate File 2206 as follows:
 2 1. Page 2, line 28, by striking the word "fifty"
 3 and inserting in lieu thereof the word "twenty-five".
 4 2. Page 2, line 30, by striking the words "twenty-
 5 five dollars" and inserting in lieu thereof the words
 6 "twelve dollars and fifty cents".
 7 3. Page 6, line 27, by striking the words "twenty-
 8 five dollars" and inserting in lieu thereof the words
 9 "twelve dollars and fifty cents".

EMIL J. HUSAK

S-5269

- 1 Amend Senate File 446 as follows:
 2 1. Page 1, line 8, by inserting before the words
 3 "a supervised" the following: "a person who is engaged
 4 in the business of buying precious metal and at least
 5 ninety percent of whose gross income is derived from
 6 the sale of newly manufactured merchandise at retail,
 7 a person who sells or purchases property from an
 8 estate through a supervised financial organization
 9 as defined in section 537.1301, an attorney, or an
 10 auction or estate sale, a person who makes out-of-
 11 state purchases transacted through the United States

AMENDMENTS FILED

1709

12 mails, a person who purchases industrial residue or
13 by-products from the manufacturer, a person who sells
14 or purchases monetized bullion, or”.

A.R. BUD KUDART
RICHARD COMITO

S-5270

1 Amend amendment S-5195 to Senate File 2206 as
2 follows:
3 1. Page 1, line 6, by striking the words “pay
4 any fee to”.

DICK RAMSEY

S-5271

1 Amend Senate File 2234 as follows:
2 1. Page 1, line 5, by inserting after the word
3 “uses” the words “for irrigation purposes”.

C.W. BILL HUTCHINS

S-5272

1 Amend Senate File 2234 as follows:
2 1. Page 1, line 15, by striking the words
3 “commissioner or”.
4 2. Page 1, line 18, by striking the words
5 “commissioner or”.

DALE L. TIEDEN

S-5273

1 Amend Senate File 2265 as follows:
2 1. Page 1, line 4, by inserting after the word
3 “bodily” the words “or psychological”.
4 2. Page 1, line 35, by inserting after the word
5 “bodily” the words “or psychological”.
6 3. Page 2, by striking lines 16 and 17 and
7 inserting in lieu thereof the following: “for medical
8 care, counseling as provided for in section 6,
9 subsection 7, of this Act, or other services necessary
10 as a result of the bodily or psychological injury
11 or death on which the claim under this Act”.
12 4. Page 2, line 21, by inserting after the word
13 “bodily” the words “or psychological”.
14 5. Page 6, by striking line 20, and inserting
15 in lieu thereof the following:

16 "7. In addition to benefits for bodily injury,
 17 a victim is entitled to unreimbursed and unreimbursable
 18 expenses of indebtedness reasonably incurred for
 19 counseling by a person licensed under chapter 148,
 20 or for counseling by a person licensed under chapter
 21 154B if recommended by a person licensed under chapter
 22 148, chapter 150, or chapter 150A.
 23 8. Benefits shall not be paid when the bodily
 24 or psychological injury or".
 25 6. Page 8, line 15, by inserting after the word
 26 "bodily" the words "or psychological".

GARY L. BAUGHER

S-5274

1 Amend Senate File 2206 as follows:
 2 1. Page 2, by inserting after line 14 the
 3 following:
 4 "5. A person who is registered under and who
 5 maintains a bond in the amount specified in the federal
 6 Packers and Stockyards Act and rules adopted under
 7 that Act."
 8 2. Page 3, by striking lines 13 through 16 and
 9 inserting in lieu thereof the words "of livestock
 10 by the applicant. A stockyard company".
 11 3. Page 5, by inserting after line 9 the following:
 12 "Sec. ____ Chapter 163, Code 1981, is amended
 13 by adding the following new section:
 14 *NEW SECTION. REPORTING BY FEDERAL LICENSEES.*
 15 A person who is exempt from sections 1 through 12
 16 of this Act by virtue of section 3, subsection 5 of
 17 this Act shall furnish to the department upon the
 18 request of the secretary such information as the
 19 department may require for purposes of preventing,
 20 suppressing, controlling or eradicating infectious
 21 or contagious diseases under this chapter."
 22 4. By renumbering sections.

C.W. BILL HUTCHINS
 DICK RAMSEY
 BERL E. PRIEBE

S-5275

1 Amend Senate File 2286 as follows:
 2 1. Page 1, lines 29,30 and 31, by striking the
 3 words "but shall be a charge personally against the
 4 owner of the land at the time of removal, alteration or
 5 modification" and inserting in lieu thereof the words

6 "[but shall be a charge personally against the owner
7 of the land at the time of removal, alteration or
8 modification]".

FORREST V. SCHWENGELS
ARNE WALDSTEIN

S-5276

1 Amend Senate File 2241 as follows:
2 1. Page 3, line 26, by striking the words "[shall
3 initially and] may" and inserting in lieu thereof the
4 words "*or a designated subordinate shall [initially*
5 *and may]*".

BOB RUSH

S-5277

1 Amend Senate File 2230 as follows:
2 1. Page 1, line 18, by striking the word "section"
3 and inserting in lieu thereof the words and figures
4 "[section] *sections 627.11 and*".

BOB RUSH

S-5278

1 Amend Senate File 2276 as follows:
2 1. By striking page 4, line 28 through page 5,
3 line 6.
4 2. By renumbering sections and correcting internal
5 references.

BERL E. PRIEBE
JOHN W. JENSEN
JACK W. HESTER
MICK LURA
RICHARD VANDE HOEF

S-5279

1 Amend Senate File 2263 as follows:
2 1. Page 1, line 13, by inserting after the word
3 "agencies" the words "and limited purpose agencies".
4 2. Page 1, line 15, by inserting after the word
5 "agencies" the words "and limited purpose agencies".
6 3. Page 1, line 18, by inserting after the word
7 "agencies" the words "and limited purpose agencies".
8 4. Page 4, lines 11 and 12, by inserting after
9 the words "action agency" the words ", limited purpose

10 agency.”

11 5. Page 4, line 20, by inserting after the word
12 “agency” the words “and limited purpose agency”.

13 6. Page 4, line 23, by inserting after the word
14 “agency” the words “or limited purpose agency”.

15 7. Page 4, line 29, by inserting after the word
16 “agency” the words “or limited purpose agency”.

17 8. Page 4, line 33, by inserting after the word
18 “agencies” the words “and limited purpose agencies”.

19 9. Page 5, by inserting after line 23 the following
20 new subsection:

21 “*NEW SUBSECTION.* “Limited purpose agency” means
22 an agency which operates one or several programs which
23 are either limited functionally or geographically,
24 which has a board of directors or an advisory
25 committee, one-third of which is composed of persons
26 who according to federal guidelines have incomes at
27 or below poverty level and are elected by such persons,
28 or are representatives elected by such persons. The
29 director may establish duties of the board of directors
30 on the advisory committee of the limited purpose
31 agency and the duties of the limited purpose agency.”

32 10. Title page, line 2, by inserting after the
33 word “agencies” the words “and limited purpose
34 agencies”.

TOM SLATER

S-5280

1 Amend Senate File 2273 as follows:

2 1. Page 1, line 18, by inserting after the word
3 “one” the words “and one-half”.

4 2. Page 1, line 22, by inserting after the figure
5 “1983” the words and figures “, and their employees.
6 Of the one and one-half percent tax for the calendar
7 quarter ending March 31, 1983, the employers shall
8 pay a one percent tax and their employees shall pay
9 a one-half of one percent tax. The employers shall
10 withhold, in trust, from the employee’s wages, the
11 tax paid by an employee under this subsection, shall
12 show the tax withheld as deductions on the employee’s
13 wage records, and shall transmit the tax withheld
14 to the special fund. The portion of an employee’s
15 wages which is taxed under this subsection is exempt
16 from garnishment, attachment, execution, or any other
17 remedy for the collection of debts”.

JOHN W. JENSEN
JACK W. HESTER

S-5281

1 Amend Senate File 2276 as follows:
2 1. Page 42, by inserting after line 20 the
3 following:
4 "9. Nothing contained in this Act shall be
5 construed to authorize an association to merge with
6 or be acquired by a foreign institution unless all
7 applicable laws and regulations of the United States
8 would specifically authorize a merger with or
9 acquisition by a foreign institution. For purposes
10 of this subsection the term "foreign institution"
11 means a foreign association, a federal association
12 whose home office is located in another state, a bank
13 whose home office is located in another state or a
14 bank holding company which is with respect to the
15 state of Iowa an "out-of-state bank holding company"
16 as defined or referred to in 12 U.S.C. 1842(d), and
17 for purposes of this subsection the words "acquire"
18 or "acquisition" mean to directly or indirectly ac-
19 quire ownership or control of more than twenty-five
20 percent of the voting shares of any association or
21 the power to control in any manner the election of
22 a majority of the directors of any association."

EDGAR H. HOLDEN

S-5282

1 Amend Senate File 2263 as follows:
2 1. Page 1, line 17, by striking the word "may"
3 and inserting in lieu thereof the word "shall".

DONALD V. DOYLE
CLARENCE CARNEY

S-5283

1 Amend Senate File 2279 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "licensed" the words "*or registered*".

LUCAS J. DE KOSTER

S-5284

1 Amend Senate File 2202 as follows:
2 1. Page 7, lines 15 and 16, by striking the words
3 "established by the owner to have been".

DICK RAMSEY
BOB RUSH

S-5285

- 1 Amend Senate File 2266 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "state" the following: "and a civil penalty equal to
- 4 fifty percent of the amount due".

DICK RAMSEY

S-5286

- 1 Amend Senate File 2178 as follows:
- 2 1. Page 14, by inserting after line 19 the
- 3 following section:
- 4 "Sec. ____ Section 411.6, subsection 1, paragraph
- 5 a, Code 1981, is amended to read as follows:
- 6 a. Any member in service may retire upon [his]
- 7 written application to the board of police or fire
- 8 trustees as the case may be, setting forth at what
- 9 time, not less than thirty nor more than ninety days
- 10 subsequent to the execution and filing [therefor, he]
- 11 *of the application, the member* desires to be retired[,]
- 12 provided, that]. *However*, the [said] member at the time
- 13 [so] specified for [his] retirement shall have attained
- 14 the age of fifty-five and shall have served twenty-
- 15 two years or more [in said department], and
- 16 notwithstanding that, during [such] *the* period of
- 17 notification, [he] *the member* may have separated from
- 18 the service."
- 19 2. Page 19, by inserting after line 18 the
- 20 following:
- 21 "Sec. ____ Section 411.19, Code 1981, is amended
- 22 to read as follows:
- 23 411.19 TRANSFER OF BENEFITS TO ANOTHER CITY.
- 24 A member of a retirement system established in this
- 25 chapter who terminates employment with a city and
- 26 is subsequently employed by another city and is
- 27 eligible for coverage under this chapter, *or who*
- 28 *transfers in the same city from one retirement system*
- 29 *under this chapter to another retirement system under*
- 30 *this chapter* may transfer membership service earned
- 31 under the first system to the system under which the
- 32 member is employed. Upon the written request of the
- 33 member with verification by the board of trustees
- 34 of the system under which the member is employed,
- 35 the board of trustees of the first system shall
- 36 transmit to the board of trustees of the system under
- 37 which the member is employed, within thirty days of
- 38 the receipt of the request, the member's accumulated
- 39 contributions [to be deposited in the annuity savings

- 40 fund of the system under which the member is employed]
 41 and the actuarial equivalent of the amount in the
 42 pension accumulation fund which would be necessary
 43 to fund a pension equal to one twenty-second times
 44 the number of years of membership service completed,
 45 under the first system, to be deposited in the pension
 46 accumulation fund of the system under which the member
 47 is employed.”
 48 2. Renumber as necessary.

JOHN N. NYSTROM

S-5287

- 1 Amend Senate File 2202 as follows:
 2 1. Page 3, line 27, by striking the word “shall”
 3 and inserting in lieu thereof the word “may”.
 4 2. Page 4, by striking lines 6 through 10.

BOB RUSH
 DICK RAMSEY

S-5288

- 1 Amend Senate File 2178 as follows:
 2 1. By striking page 6, line 25 through page 7,
 3 line 9.

COMMITTEE ON APPROPRIATIONS
 JOHN S. MURRAY, Chair

S-5289

- 1 Amend Senate File 2233 as follows:

DIVISION S—5289C

- 2 1. Page 97, line 29, by striking the figure “1984”
 3 and inserting in lieu thereof the figure “1985”.
 4 2. Page 97, line 32, by striking the figure “1983”
 5 and inserting in lieu thereof the figure “1984”.

DIVISION S—5289A

- 6 3. Page 98, by striking line 17 and inserting
 7 in lieu thereof the words and figures “year commencing
 8 July 1, 1985 and ending June 30, 1986, the”.
 9 4. Page 98, by striking line 21 and inserting
 10 in lieu thereof the words and figures “year commencing
 11 July 1, 1986 and ending June 30, 1987, the”.
 12 5. Page 98, by striking line 25 and inserting

- 13 in lieu thereof the words and figures "year commencing
14 July 1, 1987 and ending June 30, 1988, the".
15 6. Page 98, by striking line 29 and inserting
16 in lieu thereof the words and figures "year commencing
17 July 1, 1988 and ending June 30, 1989, the".
18 7. Page 98, line 33, by striking the figure "1988"
19 and inserting in lieu thereof the figure "1989".

DIVISION S—5289B

- 20 8. Page 128, line 7, by striking the figure "1982"
21 and inserting in lieu thereof the figure "1983".
22 9. Page 128, line 9, by striking the figure "1983"
23 and inserting in lieu thereof the figure "1984".
24 10. Page 128, line 10, by striking the figure
25 "1982" and inserting in lieu thereof the figure "1983".
26 11. Page 128, line 11, by striking the figure
27 "1983" and inserting in lieu thereof the figure "1984".
28 12. Page 128, line 17, by striking the figure
29 "1982" and inserting in lieu thereof the figure "1983".
30 13. Page 128, by striking line 19 and inserting
31 in lieu thereof the words and figures "July, 1983.
32 In 1985, the state comptroller shall calculate".
33 14. Page 128, by striking line 26, and inserting
34 in lieu thereof the words and figures "commencing
35 July, 1983 and July, 1984, respectively. In 1986".

DIVISION S—5289D

- 36 15. Page 135, by striking lines 17 through 19
37 and inserting in lieu thereof the following:
38 "1. As used in this section, "base cost" equals
39 thirty-two million fifty-two thousand seven hundred
40 twenty-one dollars."

DIVISION S—5289A (cont'd.)

- 41 16. Page 136, by striking lines 14 and 15 and
42 inserting in lieu thereof the following:
43 "3. During the fiscal year commencing July 1,
44 1984 and ending June 30, 1985, each county shall pay
45 to the treasurer".
46 17. Page 136, by striking lines 19 and 20 and
47 inserting in lieu thereof the following:
48 "4. During the fiscal year commencing July 1,
49 1985 and ending June 30, 1986, each county shall pay
50 to the treasurer".

Page 2

DIVISION S—5289A (cont'd.)

- 1 18. Page 136, by striking lines 24 and 25 and
2 inserting in lieu thereof the following:
3 "5. During the fiscal year commencing July 1,
4 1986 and ending June 30, 1987, each county shall pay
5 to the treasurer".
- 6 19. Page 136, by striking lines 29 and 30 and
7 inserting in lieu thereof the following:
8 "6. During the fiscal year commencing July 1,
9 1987 and ending June 30, 1988, each county shall pay
10 to the treasurer".
- 11 20. Page 136, by striking lines 34 and 35 and
12 inserting in lieu thereof the following:
13 "7. During the fiscal year commencing July 1,
14 1988 and ending June 30, 1989, each county shall pay
15 to the treasurer".
- 16 21. Page 137, line 19, by striking the figure
17 "1982" and inserting in lieu thereof the figure "1983".
- 18 22. Page 138, line 6, by striking the figure
19 "1982" and inserting in lieu thereof the figure "1983".
- 20 23. Page 138, line 8, by striking the figure
21 "1982" and inserting in lieu thereof the figure "1983".
- 22 24. Page 138, line 10, by striking the figure
23 "1982" and inserting in lieu thereof the figure "1983".
- 24 25. Page 140, line 34, by striking the figure
25 "1982" and inserting in lieu thereof the figure "1983".
- 26 26. Page 141, line 14, by striking the figure
27 "1982" and inserting in lieu thereof the figure "1983".
- 28 27. Page 141, line 19, by striking the figure
29 "1982" and inserting in lieu thereof the figure "1983".
- 30 28. Page 141, by striking lines 29 and 30 and
31 inserting in lieu thereof the words and figures "of
32 the state to the supreme court for the portion of
33 the fiscal year beginning January 1, 1983 and ending
34 June 30, 1983, the amount".
- 35 29. Page 143, line 8, by striking the figure
36 "1983" and inserting in lieu thereof the figure "1984".

COMMITTEE ON APPROPRIATION
JOHN S. MURRAY, Chair

S-5290

- 1 Amend House File 2369 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by adding before line 1 the following:
4 "Section 101. *NEW SECTION. COVERAGE FOR TREATMENT*
5 *OF CHEMICAL DEPENDENCY.*
6 1. Insurers who issue group hospital and medical
7 expense incurred insurance policies and nonprofit
8 hospital and medical service plan corporations which

9 issue hospital and medical service plan contracts
 10 shall make available coverage for treatment of chemical
 11 dependency or substance abuse. Treatment shall be
 12 provided at treatment facilities enumerated in
 13 paragraph b provided that, in the case of nonprofit
 14 hospital and medical service plan corporation
 15 contracts, the facility has contracted with the service
 16 plan corporation under terms and conditions which
 17 the service plan corporation finds satisfactory for
 18 its membership. Coverage for the treatment of
 19 dependency and abuse may be subject to the following
 20 conditions:

21 a. A physician and surgeon or an osteopathic
 22 physician or surgeon shall diagnose the dependency
 23 or abuse or recommend the treatment.

24 b. Any of the following shall provide the
 25 treatment:

26 (1) A facility as defined in section 125.2,
 27 subsection 2.

28 (2) A residential program accredited by the joint
 29 commission on accreditation for hospitals.

30 (3) A nonresidential outpatient program accredited
 31 by the joint commission on accreditation for hospitals.

32 2. The policy or contract providing coverage for
 33 the treatment shall contain provisions for maximum
 34 benefits and coinsurance, and reasonable limitations,
 35 deductibles, and exclusions.

36 3. A violation of this Act is unfair discrimination
 37 under section 126 of this Act.

38 4. As used in this section, "chemical dependency"
 39 means as defined in section 125.2, subsection 1.
 40 "Substance abuse" means use of a chemical substance
 41 as defined in section 125.2, subsection 3, to the
 42 extent that the user's health is substantially impaired
 43 or endangered or that the user's social or economic
 44 function is substantially disrupted."

45 2. Page 14, by adding after line 32 the following:

46 "Sec. 126. Section 507B.4, subsection 7, Code
 47 1981, is amended by adding the following new paragraph:
 48 *NEW PARAGRAPH.* Failing to make available coverage
 49 for treatment of chemical dependency or substance
 50 abuse as required under section 101 of this Act."

Page 2

1 3. Page 15, by adding after line 32 the following:
 2 "Sec. 130. *NEW SECTION.* Sections 101 and 126
 3 of this Act apply to policies and contracts delivered
 4 or issued for delivery in this state after the

- 5 effective date of this Act, and to existing group
 6 policies or contracts on their next anniversary or
 7 renewal date or the expiration of the applicable
 8 collective bargaining contract, if any, whichever
 9 is the later. This Act does not apply to blanket,
 10 short-term travel, accident only, limited or specified
 11 disease, or individual conversion policies or
 12 contracts, nor to policies or contracts designed for
 13 issuance to persons eligible for Medicare coverage
 14 under Title XVIII of the Social Security Act.
 15 Sec. 131. Sections 101 and 126 of this Act take
 16 effect January 1 following its enactment.”
 17 4. Title page, line 7, by inserting after the
 18 word “offense” the words “and relating to insurance
 19 coverage for chemical dependency and substance abuse”.
 20 5. Renumber as necessary.

SUE YENGER
 EDGAR H. HOLDEN
 TOM SLATER

S-5291

- 1 Amend Senate File 2265 as follows:
 2 1. Page 10, by inserting after line 10 the follow-
 3 ing:
 4 “Sec. ____ APPROPRIATION. There is appropriated
 5 from the general fund of the state to the fund
 6 established in section 10 of this Act for the year
 7 beginning January 1, 1983 and ending December 31,
 8 1983, a sum of fifteen thousand (15,000) dollars for
 9 expenses in establishing and administering the victim
 10 compensation program under sections 2 through 14 of
 11 this Act.”
 12 2. Title page, line 2, by inserting after the
 13 word “acts,” the words “providing an appropriation.”.
 14 3. By renumbering to conform to this amendment.

COMMITTEE ON APPROPRIATIONS
 JOHN S. MURRAY, Chair

S-5292

- 1 Amend Senate File 2273 as follows:
 2 1. Page 1, by inserting before line 1, the following
 3 new section:
 4 “Section 1. Section 96.4, subsection 3, Code 1981,
 5 is amended to read as follows:
 6 3. He or she is able to work, is available for
 7 work, and is earnestly and actively seeking work. The

8 provisions of this subsection shall be waived if he
 9 or she is deemed temporarily unemployed as defined in
 10 section 96.19, subsection 9, paragraph "c", *except that*
 11 *such waiver shall be granted only if the employer where*
 12 *the individual is employed has no work, whether or not*
 13 *at the individual's regular job or trade, for any week*
 14 *which the department has an outstanding balance of*
 15 *advance money received from the federal government for*
 16 *the payment of unemployment compensation benefits."*

ARTHUR L. GRATIAS

S-5293

1 Amend Senate File 2247 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 "instances." the words "The board shall require that
 4 moneys belonging to a nonprofit foundation are audited
 5 annually."

COMMITTEE ON EDUCATION
 ARTHUR L. GRATIAS, Chair

S-5294

1 Amend Senate File 2290 as follows:
 2 1. Page 1, by striking lines 4 through 6 and
 3 inserting in lieu thereof the following:
 4 "NEW SUBSECTION. A person who sells grain
 5 containing confetti or other markings shall notify
 6 the grain dealer to whom the grain is sold that the
 7 grain contains confetti or other markings. The
 8 dealer".

RAY TAYLOR

S-5295

1 Amend Senate File 2243 as follows:
 2 1. Page 1, line 22, by striking the letter "c."
 3 and inserting in lieu thereof the number "(4)".

RICHARD VANDE HOEF
 CLARENCE CARNEY

S-5296

1 Amend Senate File 2273 as follows:
 2 1. Page 1, by inserting before line 1, the following
 3 new section:
 4 "Section 1. Section 96.4, subsection 4, Code 1981,

5 is amended by adding the following new unnumbered paragraph:
 6 *NEW UNNUMBERED PARAGRAPH.* Provided that if the
 7 department, during the calendar quarter in which the
 8 individual makes the claim for benefits, has an
 9 outstanding balance of advance money received from the
 10 federal government for the payment of unemployment
 11 compensation benefits, including interest accruing from
 12 the advancement of the moneys, or is projected to have
 13 an outstanding balance for such money during that or
 14 the following calendar quarter, the individual must
 15 have been paid wages for insured work during the
 16 individual's base period in an amount at least one and
 17 one-half times the wages paid to the individual during
 18 that quarter of the individual's base period in which
 19 the individual's wages were the highest, provided that
 20 the individual has been paid wages for insured work of
 21 not less than five hundred dollars in that calendar
 22 quarter in the individual's base period in which the
 23 individual's wages were the highest and the individual
 24 meets the other requirements of this subsection."

LUCAS J. DE KOSTER

S-5297

1 Amend House File 844 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 8, line 8, by inserting after the word
 4 "Act." the following: "Upon receipt of an application
 5 for a claim for homestead tax credit or military
 6 service tax exemption for the fiscal year beginning
 7 on July 1 following the effective date of this Act,
 8 the assessor shall provide written material as
 9 prescribed by the department of revenue on the
 10 requirements of the claimant under this Act and other
 11 information deemed by the department to be needed
 12 by the claimant in carrying out the claimant's
 13 responsibilities under this Act. The material shall
 14 provide notice that the claimant or personal
 15 representative of the claimant will be subject to
 16 a civil penalty for failure to provide the assessor
 17 with written notice of the occurrence of certain
 18 events. These events shall be specified in the
 19 material presented to the claimant."

NORMAN G. RODGERS
 ROLF V. CRAFT

S-5298

1 Amend Senate File 2263 as follows:

2 1. Page 1, line 19, by inserting after the word
 3 "programs." the words "If a community action agency
 4 is in effect and currently serving an area, that
 5 community action agency shall become the designated
 6 community action agency for that area."
 7 2. Page 4, line 12, by striking the word
 8 "designated" and inserting in lieu thereof the word
 9 "delegate".
 10 3. Page 4, by striking lines 20 through 30 and
 11 inserting in lieu thereof the following:
 12 "Sec. 8. *NEW SECTION. AUDIT.* Each community
 13 action agency shall be audited annually but shall
 14 in no case be required to obtain a duplicate audit
 15 to meet the requirements of this section. In lieu
 16 of an audit by the auditor of state, the community
 17 action agency may contract with or employ a certified
 18 public accountant to conduct the audit, pursuant to
 19 the applicable terms and conditions prescribed by
 20 sections 11.18 and 11.19 and an audit format prescribed
 21 by the auditor of state. Copies of each audit shall
 22 be furnished to the office for planning and programming
 23 within three months following the annual audit."

SUE YENGER

S-5299

1 Amend Senate File 2286 as follows:
 2 1. Page 2, by inserting after line 33 the
 3 following:
 4 "Sec. ____ *NEW SECTION.* There is imposed a tax
 5 on the sale of an interest in agricultural land located
 6 in this state which tax is in addition to any real
 7 estate transfer tax under chapter 428A. The tax is
 8 equal to one-half of one percent of the assessed value
 9 as of January 1 of the year of the sale of the interest
 10 in agricultural land. The tax is payable by the
 11 seller and is due with a return by the end of the
 12 second calendar month following the month in which
 13 the sale occurs unless extended by the director of
 14 revenue because of hardships or other conditions.
 15 The tax imposed under this section is a lien upon
 16 the interest sold until paid in full. The director
 17 of revenue shall provide for the returns which are
 18 to be filed with and at the time that the tax is due
 19 and shall provide forms to the county recorders of
 20 the state without charge.
 21 For purposes of this section, "agricultural land"
 22 means land as defined in section 426.2. Sections
 23 422.24 through 422.30 and division VI of chapter 422,

24 to the extent applicable, apply to the tax imposed
 25 under this section.
 26 All revenues received by the director of revenue
 27 from the taxes, interest, and penalties imposed under
 28 this section shall be deposited by the director in
 29 a special account in the treasurer of state's office.
 30 On July 1 of each year, the state comptroller shall
 31 draw warrants on this special account payable to each
 32 soil conservation district and the state soil
 33 conservation committee. The amount payable to a
 34 district or the committee is a percent of the moneys
 35 in the special account on July 1. This percent is
 36 equal to the ratio that the assessed value of
 37 agricultural land in the district or in the case of
 38 the committee the assessed value of agricultural land
 39 not in a district is to the total assessed value of
 40 agricultural land in the state. The assessed value
 41 is the assessed value as of January 1 of that year.
 42 The moneys received by a district or the committee
 43 shall only be used to provide public cost-sharing
 44 funds under chapter 467A for implementing soil and
 45 water conservation practices on agricultural land
 46 located within that district or in the case of the
 47 committee on agricultural land located outside a
 48 district."

GARY L. BAUGHER

S-5300

1 Amend Senate File 446 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "metal" the words "in a different form or outside the
 4 state of Iowa,".

MICK LURA

S-5301

1 Amend Senate File 2280 as follows:
 2 1. Page 4, line 30, by inserting after the words
 3 "division of" the word "adult".

GARY L. BAUGHER

S-5302

1 Amend Senate File 2283 as follows:
 2 1. Page 5, line 19, by inserting after the word
 3 "in" the words "Oskaloosa Daily Herald".
 4 2. Page 5, line 20, by inserting after the word

- 5 "in" the word "Oskaloosa".
- 6 3. Page 5, line 21, by inserting before the word
- 7 " , a" the words "The Fairfield Ledger, Inc."
- 8 4. Page 5, line 21, by inserting after the word
- 9 "in" the word "Fairfield".

FORREST V. SCHWENGELS

S-5303

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, by striking lines 22 through 25.

ARNE WALDSTEIN

S-5304

- 1 Amend Senate File 2286 as follows:
- 2 1. Page 2, line 26, by inserting after the word
- 3 "practices." the words "The requirement for
- 4 maintenance and repair is for the length of life as
- 5 defined in section 467A.7, subsection 16."
- 6 2. Page 2, by striking lines 28 through 33.

RAY TAYLOR

S-5305

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 1, by striking line 26 through page 2,
- 3 line 32.

PATRICK J. DELUHERY

S-5306

- 1 Amend Senate File 2230 as follows:
- 2 1. Page 1, line 15, by striking the word "[dollars]"
- 3 and inserting in lieu thereof the words "*dollars for*
- 4 *each judgment creditor, but if the employee's earnings*
- 5 *for the calendar year equal or exceed six thousand*
- 6 *times the federal minimum hourly wage then the maximum*
- 7 *amount of the employee's earnings which may be*
- 8 *garnished during that calendar year is two hundred*
- 9 *fifty*".

PATRICK J. DELUHERY

S-5307

- 1 Amend Senate File 2243 as follows:

- 2 1. Page 1, by striking lines 19 through 21.

ARTHUR A. SMALL, JR.

S-5308

- 1 Amend Senate File 2283 as follows:
2 1. Page 5, line 19, by inserting after the word
3 "in" the words "the Oskaloosa Daily Herald".
4 2. Page 5, line 20, by inserting after the word
5 "in" the word "Oskaloosa".
6 3. Page 5, line 21, by inserting before the word
7 "a" the words "The Fairfield Ledger, Inc.".
8 4. Page 5, line 21, by inserting after the word
9 "in" the word "Fairfield".

FORREST V. SCHWENGELS

S-5309

- 1 Amend Senate File 446 as follows:
2 1. Page 1, line 9, by inserting after the word
3 "license" the words "and a transaction of fifty dollars
4 or less is exempt from the provisions of this Act
5 unless the seller is a minor".

TOM SLATER

S-5310

- 1 Amend the amendment S-3226 to Senate File 156 as
2 follows:
3 1. Page 1, by striking lines 7 through 10.

DICK RAMSEY
C.W. BILL HUTCHINS

S-5311

- 1 Amend Senate File 2273 as follows:
2 1. Page 2, by inserting after line 9 the following:
3 "Sec. 2. Section 96.7, Code 1981, is amended by
4 adding the following new subsection:
5 *NEW SUBSECTION. RATE OF CONTRIBUTION BY EMPLOYEES.*
6 a. If the total, available unemployment compensa-
7 tion trust funds fall below twenty percent of the
8 total benefits paid in any preceding calendar year,
9 for a period longer than two weeks, each individual
10 employed by an employer subject to the payment of
11 contributions under this chapter shall contribute
12 to the fund, during the subsequent calendar year,

13 five-tenths of one percent of the individual's taxable
 14 wages, as defined in section 96.19, subsection 20,
 15 paid to the individual during the subsequent calendar
 16 year.

17 b. If an individual is employed, in the same
 18 calendar year, by more than one employer subject to
 19 this chapter the individual shall be entitled to a
 20 refund for contributions paid on wages which exceed
 21 the maximum amount of taxable wages in section 96.19,
 22 subsection 20.

23 c. An individual employed by an employer who is
 24 required or elects, in lieu of contributing to the
 25 fund at a fixed rate, to reimburse the fund for benefit
 26 payments made on the employer's behalf shall not be
 27 required to pay contributions on the wages earned
 28 from the employer.

29 d. If an individual is required to contribute
 30 to the fund, the individual's employer shall withhold,
 31 in trust, the contributions from the individual's
 32 wages, shall show the contributions withheld as
 33 deductions on the individual's wage records and the
 34 employer's payroll records, and shall transmit the
 35 contribution withheld to the fund.

36 e. The portion of an individual's wages which
 37 the individual is required to contribute to the fund
 38 shall be exempt from garnishment, attachment, execution
 39 or any other remedy for the collection of debts."

40 2. By renumbering as necessary.

RAY TAYLOR

S-5312

1 Amend Senate File 2273 as follows:

2 1. Page 1, by inserting before line 1 the
 3 following:

4 "Section 1. Section 96.4, Code 1981, is amended
 5 by adding the following new subsection:

6 *NEW SUBSECTION.* The individual has satisfied a
 7 one-week waiting period. For purposes of this sub-
 8 section a one-week waiting period means the individual
 9 must be unemployed for one week in the benefit year
 10 for which the individual claims benefits, provided
 11 that the individual is not eligible for any benefits
 12 with respect to the week from another state and
 13 provided that the individual is eligible for benefits
 14 for the week from this state. Benefits shall not
 15 be paid to the individual for the one-week waiting
 16 period until benefits have been payable for five
 17 consecutive weeks following the waiting period."

18 2. By renumbering as necessary.

RAY TAYLOR

S-5313

1 Amend House File 2426, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 19, by inserting after line 31 the
4 following:
5 *"7. A licensed physician and surgeon or osteopathic*
6 *physician and surgeon, facility administrator, or*
7 *an employee or a person acting as or on behalf of*
8 *the facility administrator, is not criminally or*
9 *civily liable for acts in conformity with this*
10 *chapter, unless the acts constitute willful malice*
11 *or abuse."*

DONALD V. DOYLE

S-5314

1 Amend amendment S-5274 to Senate File 2206 as
2 follows:
3 1. Page 1, line 5, by striking the words "specified
4 in" and inserting in lieu thereof the words "of fifteen
5 thousand dollars or more under".
6 2. Page 1, line 14, by striking the word
7 "LICENSEES" and inserting in lieu thereof the word
8 "REGISTRANTS".

C.W. BILL HUTCHINS
DICK RAMSEY
BERL E. PRIEBE

S-5315

1 Amend Senate File 2276 as follows:
2 1. Page 4, by striking lines 20 through 23 and
3 inserting in lieu thereof the words "a fiduciary
4 capacity with respect to these funds. A bank which
5 maintains".
6 2. Page 7, by striking lines 4 through 6 and
7 inserting in lieu thereof the words "to these funds."
8 3. Page 26, by striking lines 10 through 13 and
9 inserting in lieu thereof the words "a fiduciary
10 capacity with respect to these funds. An associa-".
11 4. Page 44, by striking lines 19 through 21 and
12 inserting in lieu thereof the word "funds."

LUCAS J. DE KOSTER

S-5316

- 1 Amend House File 777 as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 11, by striking the word "*person*"
- 4 and inserting in lieu thereof the words "*bona fide*
- 5 *purchaser for value*".
- 6 2. Page 1, line 23, by striking the word "*person*"
- 7 and inserting in lieu thereof the words "*bona fide*
- 8 *purchaser for value*".
- 9 3. Page 2, line 6, by inserting after the word
- 10 "*claims*" the words "*, and who is a bona fide purchaser*
- 11 *for value of those instruments or accounts,*".

BOB CARR

S-5317

- 1 Amend the amendment S-5183 to Senate File 2178
- 2 as follows:
- 3 1. Page 1, by striking lines 11 through 21 and
- 4 inserting in lieu thereof the following:
- 5 "____ By striking page 6, line 25 through page
- 6 7, line 9."

JOHN S. MURRAY

S-5318

- 1 Amend Senate File 2247 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "*instances.*" the words "*The board shall require that*
- 4 *moneys belonging to a nonprofit foundation are audited*
- 5 *annually.*"

BOB CARR

S-5319

- 1 Amend Senate File 2276 as follows:
- 2 1. Page 4, line 34, by inserting after the word
- 3 "*acquisition*" the words "*either (i)*".
- 4 2. Page 5, line 3, by inserting after the comma
- 5 the words "*or (ii) the banks so owned or controlled*
- 6 *by that bank holding company and all other bank holding*
- 7 *companies would have, in the aggregate, more than*
- 8 *fifty percent of the total deposits, both time and*
- 9 *demand, of all banks in this state,*".

RICHARD COMITO

S-5320

1 Amend Senate File 2263 as follows:
2 1. Page 5, line 4, by inserting after the word
3 "state." the words "However, if a political subdivision
4 is the delegate agency, the financial assistance shall
5 be allocated to that political subdivision."

BOB CARR

S-5321

1 Amend Senate File 2286 as follows:
2 1. Page 1, line 26, by striking the word "[sharing.]"
3 and inserting in lieu thereof the words "[sharing].
4 *The commissioners shall cause a notice of the agreement*
5 *signed by the landowner and identifying the particular*
6 *land to be recorded in the office of the county*
7 *recorder. The department shall establish a standard*
8 *notice form."*

ARTHUR A. SMALL, JR.

S-5323

1 Amend House File 777 as passed by the House as
2 follows:
3 1. Page 2, line 8, by inserting after the word
4 "attorney" the words "*provided that the person shall*
5 *pay to the clerk of the district court at the time*
6 *each small claim action is commenced a fee equal to*
7 *one and one-half times the amount specified as the*
8 *docket fee in section 631.6, subsection 1. The fee*
9 *required by this section is in addition to the docket*
10 *fee and other fees required by this chapter, and shall*
11 *be distributed in the same manner as the docket fee*
12 *assessed under section 631.6, subsection 1, but is*
13 *not recoverable as a cost of the action or otherwise".*

BOB CARR
TED ANDERSON
C.W. BILL HUTCHINS
CHARLES P. MILLER
JAMES V. GALLAGHER
WILLIAM D. PALMER**S-5324**

1 Amend Senate File 2284 as follows:
2 1. Page 1, line 26, by inserting after the figure
3 "11.2." the words "A review of state tax returns shall

4 be limited to those selected by a statistically accurate
5 random sampling method using the social security number,
6 taxpayer identification number, or other equivalent
7 number."

JOHN S. MURRAY

S-5325

1 Amend Senate File 2218 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Chapter 93A, Code 1981, is amended
5 by striking the chapter and inserting in lieu thereof
6 sections 2 through 20 of this Act.

7 Sec. 2. *NEW SECTION. PURPOSE.* It is the intent
8 of the general assembly to provide for the development
9 of local land use inventories and to encourage the
10 use of procedures which provide for the orderly use
11 and development of land and related natural resources
12 in Iowa for residential, commercial, industrial, and
13 recreational purposes, preserve private property
14 rights, and preserve the use of agricultural land
15 for agricultural production, through processes that
16 emphasize the participation of citizens and local
17 governments.

18 The general assembly recognizes the importance
19 of preserving the state's finite supply of agricultural
20 land. Conversion of farmland to urban development,
21 and other nonfarm uses, reduces future food production
22 capabilities and may ultimately undermine agriculture
23 as a major economic activity in Iowa.

24 It is the intent of the general assembly to provide
25 local citizens and local governments the means by
26 which agricultural land may be protected from
27 nonagricultural development pressures. This may be
28 accomplished by the establishment of agricultural
29 districts or agricultural areas in which substantial
30 agricultural activities are encouraged, so that land
31 inside these districts and areas is conserved for
32 the production of food, fiber, and livestock, thus
33 assuring the preservation of agriculture as a major
34 factor in the economy of this state.

35 Sec. 3. *NEW SECTION. DEFINITIONS.* As used in
36 this chapter unless the context otherwise requires:

37 1. "Agricultural area" means an area meeting the
38 qualifications of section 9 of this Act and designated
39 under section 12 of this Act.

40 2. "Agricultural district" means a district
41 established under section 8 of this Act.

- 42 3. "County board" means the county board of
43 supervisors.
44 4. "County commission" means the county land
45 preservation commission.
46 5. "County committee" means the county agricultural
47 areas committee.
48 6. "Farm" means the land, buildings, and machinery
49 used in the commercial production of farm products.
50 7. "Farm operation" means a condition or activity

Page 2

- 1 which occurs on a farm in connection with the
2 production of farm products and includes but is not
3 limited to the marketing of products at roadside
4 stands or farm markets, the creation of noise, odor,
5 dust, fumes, the operation of machinery and irrigation
6 pumps, ground and aerial seeding and spraying, the
7 application of chemical fertilizers, conditioners,
8 insecticides, pesticides, and herbicides, and the
9 employment and use of labor.
10 8. "Farm products" means those plants and animals
11 and their products which are useful to people and
12 includes but is not limited to forages and sod crops,
13 grains and feed crops, dairy and dairy products,
14 poultry and poultry products, livestock, fruits,
15 vegetables, flowers, seeds, grasses, trees, fish,
16 honey, and other similar products, or any other plant,
17 animal, or plant or animal product which supplies
18 people with food, feed, fiber, or fur.
19 9. "Nuisance" means a public or private nuisance
20 as defined either by statute, administrative rule,
21 ordinance, or the common law.
22 10. "Nuisance action or proceeding" means an
23 action, claim, or proceeding, whether brought at law,
24 in equity, or as an administrative proceeding, which
25 is based on nuisance.
26 11. "State council" means the state land
27 preservation council.
28 12. "Farmland" means those parcels of land suitable
29 for agricultural production which will continue to
30 be economically feasible for that use if given the
31 protections afforded by this chapter to land within
32 an agricultural area or agricultural district.
33 Sec. 4. *NEW SECTION.* STATE COUNCIL ESTABLISHED.
34 1. A state land preservation council is created.
35 The state council is composed of the following:
36 a. The administrative heads of the department
37 of agriculture, department of soil conservation, state

38 conservation commission, Iowa natural resources
 39 council, department of environmental quality,
 40 geological survey, state agricultural extension ser-
 41 vice, and Iowa development commission or that person's
 42 designee from the respective agency.
 43 b. Two persons appointed by the governor, one
 44 from a city of under ten thousand population and one
 45 from a city of ten thousand or more population.
 46 c. Six soil conservation district commissioners,
 47 one elected from each congressional district. The
 48 commissioners of each district shall elect one
 49 commissioner to attend a congressional district
 50 convention. The convention shall elect one of the

Page 3

1 commissioners serving as a delegate to the convention
 2 to serve on the state council.

3 2. The chairperson and vice chairperson of the
 4 temporary state land preservation policy commission
 5 or their designees shall be members of the state
 6 council.

7 3. Members of the state council who are not state
 8 employees shall receive compensation of forty dollars
 9 per diem and reimbursement from the state for travel
 10 and other necessary expenses incurred in the per-
 11 formance of the member's official duties. Members
 12 who are state employees shall receive reimbursement
 13 for travel and expenses from the budgets of their
 14 respective agencies.

15 4. A vacancy in the state council shall be filled
 16 in the same manner as the appointment of the member
 17 whose position is vacant.

18 Sec. 5. *NEW SECTION*. COUNTY COMMISSIONS
 19 ESTABLISHED.

20 1. In each county a county land preservation
 21 commission is created composed of the following
 22 members:

23 a. One member appointed by and from the county
 24 agricultural extension council.

25 b. Two members appointed by the district soil
 26 conservation commissioners, one of whom must be a
 27 member of the district soil conservation commission
 28 and one must be a person who is not a commissioner,
 29 but is actively operating a farm in the county.

30 c. One member appointed by the board of supervisors
 31 from the residents of the county who may be a member
 32 of the board.

33 d. One member appointed by and from a convention

34 of the mayors and councilpersons of the cities of
35 the county. If a participating city contains fifty
36 percent or more of the total population of the
37 participating cities, that city may appoint the member
38 appointed under this paragraph.

39 However, if a city contains more than fifty percent
40 of the population of a county which has a population
41 exceeding fifty thousand persons, that city shall
42 not participate in the convention of mayors and
43 councilpersons and the members appointed under
44 paragraph d shall be one member appointed by and from
45 the mayor and councilpersons of that city and one
46 member appointed by and from the convention of mayors
47 and councilpersons and the member appointed under
48 paragraph c shall be a resident of the county engaged
49 in actual farming operations appointed by the board
50 of supervisors.

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1 2. The county commission shall meet and organize
2 by the election of a chairperson and vice chairperson
3 from among its members. A majority of the members
4 of the county commission constitutes a quorum.
5 Concurrence of a quorum is required to determine any
6 matter relating to its official duties.

7 3. The state agricultural extension service shall
8 assist county commissions with technical,
9 informational, and clerical assistance.

10 4. A vacancy in the county commission shall be
11 filled in the same manner as the appointment of the
12 member whose position is vacant.

13 **Sec. 6. NEW SECTION. COUNTY INVENTORIES.**

14 1. The state council shall meet and organize by
15 the election of a chairperson and vice chairperson
16 from among its members. A majority of the members
17 of the state council constitutes a quorum. Concurrence
18 of a quorum is required to determine any matter
19 relating to its official duties.

20 2. The department of soil conservation shall
21 provide clerical staff to the state council.

22 3. The state council shall establish advisory
23 guidelines for the development of county inventories.
24 The guidelines shall inform the county commissions
25 of information to be included in the inventories and
26 what part of that information is available from state
27 agencies. The county inventories shall contain at
28 least the following:

29 a. The amount of land available and used for

- 30 agricultural purposes by soil suitability
 31 classifications.
- 32 b. The amount of woodlands.
- 33 c. The amount of land used for recreation.
- 34 d. The amount of historical sites.
- 35 e. The amount of land available within cities
 36 for development.
- 37 f. The amount of land used for commercial,
 38 industrial, and residential purposes.
- 39 g. The amount of land used for or held in reserve
 40 for the extraction of natural resources including
 41 but not limited to coal, colloidal clay, gypsum,
 42 limestone, sand, and gravel.
- 43 h. The amount of land used for farming operations
 44 within the limits of a city.
- 45 i. The amount of land or building lots presently
 46 platted within city limits that are not occupied by
 47 buildings or inhabited structures.
- 48 j. The amount of land which has been converted
 49 from one type of use to another since 1960, including
 50 but not limited to the uses listed in this subsection.

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- 1 4. The information required by subsection 3 shall
 2 be provided both in narrative and map form according
 3 to guidelines established by the state council. The
 4 council shall require a cartographic display
 5 contrasting each county's land use in 1960 with the
 6 land use in existence as of the date of the inventory.
- 7 5. The county commissions shall compile county
 8 inventories and submit them to the state council.
 9 The state council may request additional information
 10 from a county commission after submission of the
 11 inventory.
- 12 6. The state council shall compile the inventories
 13 submitted by the county commissions into a statewide
 14 inventory and submit it to the general assembly.
- 15 Sec. 7. *NEW SECTION.* SCHEDULE AND DUTIES. Subject
 16 to extensions of time granted to county commissions
 17 by the state council for good cause shown, the general
 18 assembly intends that the state council and county
 19 commissions meet the following schedule:
- 20 1. By September 1, 1982, the state soil
 21 conservation commissioners shall be elected to the
 22 state council.
- 23 2. By October 1, 1982, the state council shall
 24 organize.
- 25 3. By December 31, 1982, the county commissions

26 shall organize and the state council shall establish
27 advisory guidelines for the development of county
28 inventories. The state council shall assist the
29 county commission in obtaining information for use
30 in compiling the county inventories.

31 4. By July 1, 1983, the county commission shall
32 compile a county inventory and submit it to the state
33 council.

34 5. By December 31, 1983, the state council shall
35 adopt guidelines for the development of county land
36 use plans.

37 6. By September 1, 1984, after a public hearing,
38 a county commission shall propose to the county board
39 a county land use plan, in keeping with the guidelines
40 established by the state council, and send a copy
41 of the plan to the state council or advise the county
42 board and the state council that under existing
43 circumstances in the county it finds no need for a
44 land use plan. Upon receipt of a plan, the county
45 board may rerefer the plan to the county commission
46 for modification, or may cause the question of the
47 approval of the plan, either as originally submitted
48 or as modified, to be placed on the ballot of the
49 next available countywide election, or may reject
50 the plan.

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1 7. By December 31, 1984, the state council shall
2 forward its appraisal of the county plans received
3 as they pertain to the planning guidelines adopted
4 pursuant to section 7 of this Act to appropriate
5 county commissions and their county boards.

6 8. If the plan is approved by a majority of the
7 voters of the county, a copy shall be provided to
8 the state council forthwith and it becomes the land
9 use policy of the county and shall be administered
10 and enforced by the county. The county commission
11 shall review the county plan periodically for the
12 purpose of amending it as the commission deems
13 appropriate. If the commission amends the plan it
14 shall forward the proposal to the county board of
15 supervisors which shall cause the amendment to be
16 published in a newspaper of general circulation in
17 the county. If a petition is filed with the county
18 auditor within ninety days of the publication by five
19 percent of the qualified electors of the county
20 requesting that the amendment be submitted to the
21 qualified electors of the county, the county board

22 of supervisors shall either withdraw the amendment
 23 or direct the county commissioner of elections to
 24 place the approval of the amendment on the ballot
 25 at the next available countywide election. The
 26 amendment shall become effective unless a petition
 27 is filed in the required time and the amendment is
 28 disapproved by a majority of the voters voting on
 29 the ballot issue.

30 9. Unless extended by the legislature before that
 31 date, the state council's existence shall terminate
 32 on June 30, 1987.

33 Sec. 8. *NEW SECTION. AGRICULTURAL DISTRICTS.*

34 A county may establish agricultural districts by
 35 adopting ordinances under chapter 358A. The ordinances
 36 must be consistent with any county land use plans
 37 that has been adopted by the county under section
 38 7 of this Act. Except as provided below, agricultural
 39 districting ordinances shall limit the use of the
 40 land in agricultural districts to farm operations.

41 1. The following shall be permitted in an
 42 agricultural district:

43 a. Residences constructed for occupation by a
 44 person, or by a family having at least one member
 45 who earns a substantial part of his or her livelihood
 46 from farm operations on the parcel, or by a parent
 47 or child of that farm operator. Nonconforming
 48 preexisting residences may be continued in residential
 49 use.

50 b. Property of a telephone company, city utility

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1 as defined in section 390.1, public utility as defined
 2 in section 476.1, or pipeline company as defined in
 3 section 479.2.

4 c. Public or private elementary or secondary
 5 schools.

6 d. Churches.

7 e. Sanitary disposal projects authorized pursuant
 8 to chapter 455B of the Code.

9 2. The county board of supervisors may permit
 10 any use not listed in subsection 1 in an agricultural
 11 district only if it finds all of the following:

12 a. The use is not inconsistent with the purposes
 13 set forth in section 2 of this Act.

14 b. The use does not interfere seriously with farm
 15 operations within the district.

16 c. The use does not materially alter the stability
 17 of the overall land use pattern in the area.

18 Sec. 9. *NEW SECTION. CREATION OF AGRICULTURAL*
19 *AREAS.* An owner of farmland may submit a proposal
20 to the county committee for the creation of an
21 agricultural area within the county. An agricultural
22 area, at its creation, shall include at least five
23 hundred acres of farmland, however, a smaller area
24 may be created if the farmland is adjacent to an agri-
25 cultural district. The proposal shall include a
26 description of the proposed area, including its
27 boundaries. The territory shall be as compact and
28 as nearly adjacent as feasible. Land shall not be
29 included in an agricultural area without the consent
30 of the owner. Agricultural areas shall not exist
31 within the corporate limits of the city. Agricultural
32 areas may be created in a county which has adopted
33 zoning ordinances.

34 Sec. 10. *NEW SECTION. COUNTY AGRICULTURAL AREAS*
35 *COMMITTEE.* In any county in which a proposal for
36 creation of an agricultural area is submitted, the
37 county board shall establish a county agricultural
38 areas committee if such a committee has not already
39 been established for the county. The county com-
40 mittee shall consist of four active farmers, three
41 of whom are actively engaged in both crop and livestock
42 farming, and a member of the county board. The
43 committee shall select one of its members to serve
44 as chairperson of the committee. Members of the
45 committee are appointed by and serve at the pleasure
46 of the county board. The members shall serve without
47 compensation, but the board may authorize reimbursement
48 of each member's actual and necessary expenses incurred
49 in the performance of official duties.

50 Sec. 11. *NEW SECTION. DUTIES OF COUNTY COMMITTEE.*

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1 1. Within fifteen days of receipt of a proposal
2 for an agricultural area which meets the statutory
3 requirements, the county committee shall provide
4 notice of the proposal by publishing notice in a
5 newspaper of general circulation in the county. The
6 county committee shall provide a copy of the proposal
7 to the county commission. Within forty-five days
8 after receipt, the committee shall hold a public
9 hearing on the proposal.

10 2. Within sixty days after receipt, the committee
11 shall make a recommendation to the county board.
12 Its recommendation may include modifications of the
13 proposed area.

14 Sec. 12. *NEW SECTION*. ADOPTION BY THE COUNTY
 15 BOARD. Within forty-five days after receiving the
 16 recommendation of the county committee, the county
 17 board shall adopt the proposal or any modification
 18 of the proposal it deems appropriate, unless to do
 19 so would be inconsistent with the purposes of this
 20 chapter or any county land use plan adopted pursuant
 21 to section 7 of this Act.

22 An agricultural area shall be subject to the same
 23 use restrictions provided in section 8 of this Act
 24 for agricultural districts.

25 Sec. 13. *NEW SECTION*. REQUIREMENT THAT DESCRIPTION
 26 OF AGRICULTURAL AREAS BE FILED WITH COUNTY AUDITOR
 27 AND COUNTY RECORDER. Upon the creation of an
 28 agricultural area, its description shall be filed
 29 by the county board with the county auditor and placed
 30 on record in the office of the county recorder.

31 Sec. 14. *NEW SECTION*. WITHDRAWAL. At any time
 32 after three years from the date of creation of an
 33 agricultural area, an owner may withdraw from an
 34 agricultural area by filing with the county board
 35 of supervisors a notice of withdrawal containing a
 36 legal description of the land to be withdrawn. Within
 37 sixty days after receipt of the notice and upon
 38 verification that the land to be withdrawn has been
 39 in an agricultural area for three years, the board
 40 shall cause the description of that agricultural area
 41 filed with the county auditor and recorded with the
 42 county recorder to be modified to reflect such
 43 withdrawal. Withdrawal shall be effective on the
 44 date of recording. The agricultural area from which
 45 the land is withdrawn shall continue in existence
 46 even if smaller than five hundred acres after
 47 withdrawal.

48 Sec. 15. *NEW SECTION*. LIMITATION ON POWER OF
 49 CERTAIN PUBLIC AGENCIES TO IMPOSE PUBLIC BENEFIT
 50 ASSESSMENTS OR SPECIAL ASSESSMENTS. A political

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1 subdivision or a benefited district providing public
 2 services such as sewer, water, or lights or for nonfarm
 3 drainage shall not impose benefit assessments or
 4 special assessments on land used for primarily
 5 agricultural production within an agricultural area
 6 or in an agricultural district on the basis of
 7 frontage, acreage, or value, unless the benefit
 8 assessments or special assessments were imposed prior
 9 to the formation of the agricultural area or

10 agricultural district, or unless the service is
 11 provided to the landowner on the same basis as others
 12 having the service.

13 Sec. 16. *NEW SECTION. INCENTIVES FOR AGRICULTURAL*
 14 *LAND PRESERVATION.*

15 1. *NUISANCE RESTRICTION.* A farm operation located
 16 in an agricultural area or an agricultural district
 17 shall not be found to be a nuisance regardless of
 18 the established date of operation or expansion of
 19 the agricultural activities of the farm operation.
 20 The subsection does not apply if the nuisance results
 21 from the negligent operation of the farm. This section
 22 does not apply to actions or proceedings arising from
 23 injury or damage to person or property caused by the
 24 farm operation before the creation of the agricultural
 25 area or agricultural district. This subsection does
 26 not affect or defeat the right of a person to recover
 27 damages for injury or damage sustained by the person
 28 because of the pollution or change in condition of
 29 the waters of a stream, the overflowing of the person's
 30 land, or excessive soil erosion onto another person's
 31 land.

32 2. *WATER PRIORITY.* In the application for a
 33 permit to divert, store, or withdraw water and in
 34 the allocation of available water resources under
 35 a water permit system, the Iowa natural resources
 36 council shall give priority to the use of water
 37 resources by farm operations, exclusive of irrigation,
 38 located in an agricultural area or an agricultural
 39 district over all other uses except the competing
 40 uses of water for ordinary household purposes.

41 Sec. 17. *NEW SECTION. STATE REGULATIONS.* A rule
 42 adopted by a state agency after the effective date
 43 of this Act which would restrict or regulate farm
 44 structures or farm operations shall not become
 45 effective as applied to farm structures or farm
 46 operations within an agricultural district or
 47 agricultural area unless prior to the adoption of
 48 the rule the agency finds both of the following:

49 1. That the activity to be regulated within the
 50 district or area has a substantial deleterious effect

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1 outside of the district or area.

2 2. That the need for the application of the rule
 3 within the district or area outweighs the policies
 4 of this chapter, which include the encouragement of
 5 exclusively agricultural activities within the district

6 or area at a level of intensity that would not be
7 tolerated outside the district or area.

8 In addition to the right of an interested person
9 granted in chapter 17A to request the agency to issue
10 a concise statement of the principal reasons for and
11 against the rule it adopted, a resident or owner of
12 land in an agricultural district or area may request
13 the agency to include in that concise statement the
14 findings required for application of the rule within
15 an agricultural district or area and the principal
16 reasons used by the agency in making the findings.

17 Sec. 18. Section 358A.2, Code 1981 Supplement,
18 is amended to read as follows:

19 358A.2 FARMS EXEMPT. No ordinance adopted under
20 this chapter applies to land, farm houses, farm barns,
21 farm outbuildings or other buildings or structures
22 which are primarily adapted, by reason of nature and
23 area, for use for agricultural purposes, while so
24 used. However, the ordinances may apply to any struc-
25 ture, building, dam, obstruction, deposit or excavation
26 in or on the flood plains of any river or stream.
27 *Ordinances may also apply in agricultural districts*
28 *and agricultural areas to the extent required to*
29 *implement sections 8 and 15 of this Act.*

30 Sec. 19. Section 358A.5, unnumbered paragraph
31 1, Code 1981 Supplement, is amended to read as follows:

32 [Such] *The regulations shall be made in accordance*
33 *with a comprehensive plan and designed to preserve*
34 *the availability and productivity of agricultural*
35 *land; to discourage urban sprawl and encourage*
36 *efficient urban development patterns; to lessen*
37 *congestion in the street or highway; to secure safety*
38 *from fire, flood, panic, and other dangers; to protect*
39 *health and the general welfare; to provide adequate*
40 *light and air; to prevent the overcrowding of land;*
41 *to avoid undue concentration of population; to promote*
42 *the conservation of energy resources; to promote*
43 *reasonable access to solar energy; and to facilitate*
44 *the adequate provision of transportation, water,*
45 *sewerage, schools, parks and other public requirements.*
46 However, provisions of this section relating to the
47 objectives of energy conservation and access to solar
48 energy shall not be construed as voiding any zoning
49 regulation existing on July 1, 1981, or to require
50 zoning in a county that did not have zoning prior

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1 to July 1, 1981.

2 Sec. 20. Section 414.3, unnumbered paragraph 1,
3 Code 1981, as amended by Acts of the Sixty-ninth
4 General Assembly, 1981 Session, chapter 125, section
5 2, is amended to read as follows:

6 [Such] *The regulations shall be made in accordance*
7 *with a comprehensive plan and designed to preserve*
8 *the availability and productivity of agricultural*
9 *land; to discourage urban sprawl and encourage*
10 *efficient urban development patterns; to lessen*
11 *congestion in the street; to secure safety from fire,*
12 *flood, panic, and other dangers; to promote health*
13 *and the general welfare; to provide adequate light*
14 *and air; to prevent the overcrowding of land; to avoid*
15 *undue concentration of population; to promote the*
16 *conservation of energy resources; to promote reasonable*
17 *access to solar energy; and to facilitate the adequate*
18 *provision of transportation, water, sewerage, schools,*
19 *parks, and other public requirements. However, provi-*
20 *sions of this section relating to the objectives of*
21 *energy conservation and access to solar energy [shall]*
22 *do not [be construed as voiding] void any zoning*
23 *regulation existing on [the effective date of this*
24 *Act] July 1, 1981, or [to] require zoning in a city that*
25 *did not have zoning prior to [the effective date of*
26 *this Act] July 1, 1981.*

27 Sec. 21. Section 472.3, Code 1981, is amended
28 by adding the following new subsection:

29 **NEW SUBSECTION.** If the damages are to be paid
30 by the state and the land to be condemned is within
31 an agricultural district or agricultural area as
32 provided in chapter 93A, a statement disclosing whether
33 any of that land is classified as class I or class
34 II land under the United States department of
35 agriculture soil conservation service land capability
36 classification system contained in the agriculture
37 handbook number 210, 1961 edition and, if so
38 classified, stating that the class I or class II land
39 is reasonably necessary for the work of internal
40 improvement for which condemnation is sought.

41 Sec. 22. This Act does not invalidate any part
42 of a zoning ordinance which is in effect on the ef-
43 fective date of this Act, or require the adoption
44 of a zoning ordinance by any subdivision of the state."

ARNE WALDSTEIN
DALE L. TIEDEN
FORREST V. SCHWENGELS
ARTHUR L. GRATIAS
NORMAN J. GOODWIN

ELVIE L. DREESZEN
 NORMAN RODGERS
 C.W. BILL HUTCHINS
 JACK W. HESTER
 RICHARD VANDE HOEF
 C. JOSEPH COLEMAN

S-5326

- 1 Amend the amendment S-5325 to Senate File 2218 as
 2 follows:

DIVISION S—5326A

- 3 1. Page 6, by striking lines 44 through 49, and
 4 inserting in lieu thereof the words "person engaged
 5 in farming or by a family farm operation."

DIVISION S—5326B

- 6 2. Page 7, line 14, by striking the word "seriously".
 7 3. Page 7, line 16, by striking the word "materially".

JAMES V. GALLAGHER

S-5327

- 1 Amend House File 777 as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Chapter 539, Code 1981, is amended
 6 by adding the following new section:
 7 *NEW SECTION. REGISTRATION OF COLLECTION AGENCIES.*
 8 1. A person shall not engage in the business of
 9 taking assignments of any type of debt referred to
 10 in this chapter for purposes of collection unless
 11 the person is registered with the secretary of state
 12 under this section.
 13 2. A registration under this section shall be
 14 on forms provided by the secretary of state, and shall
 15 be in effect from the date the registration is filed
 16 in the office of the secretary of state and until
 17 July 1 next following that date. The secretary of
 18 state shall collect a registration fee of twenty-five
 19 dollars from each registrant.
 20 3. The form for registration under this section
 21 shall include the following:
 22 a. The name and address of residence of the
 23 individual submitting the registration form.

24 b. The name of the person taking assignments under
25 this chapter. If a person takes assignments under
26 more than one name, the person must register under
27 this section for each business name under which
28 assignments are taken.

29 c. The name and address of residence of each of
30 the principal officers of the business that is being
31 registered.

32 d. Every other name under which the person takes
33 assignments of debt for collection purposes.

34 e. The street addresses of each location at which
35 the registrant will engage in the business of taking
36 assignments of debt for collection purposes.

37 f. The names and addresses of residence of all
38 individuals who will appear in court on behalf of
39 the registrant in connection with the collection of
40 debts taken under assignment. This paragraph does
41 not apply to attorneys who are admitted to the practice
42 of law in this state.

43 4. At any time the information required under
44 subsection 3 becomes inaccurate or incomplete, the
45 registrant shall file an amended registration
46 containing accurate and complete information. The
47 secretary of state shall collect a fee of five dollars
48 for each amended registration. An amended registration
49 expires as of the date the original registration would
50 have expired.

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1 5. A person who is in violation of subsection
2 1 shall not maintain an action in any court of this
3 state as an assignee of a debt referred to in this
4 chapter. An action commenced in violation of this
5 subsection, and any judgment rendered in favor of
6 the violator in such an action, is voidable upon
7 motion of the defendant or the court. The violator
8 shall be liable for all costs incurred in connection
9 with the action.

10 6. A person who is not listed with the secretary
11 of state under subsection 3, paragraph f, shall not
12 appear on behalf of a registrant or any other person
13 in an action to enforce a debt that has been assigned
14 under this chapter, and in the event of a violation
15 the actions shall be dismissed upon the motion of
16 any party or the court and costs awarded in favor
17 of the defendant. This subsection does not apply
18 to a person who is admitted to the practice of law
19 in this state."

- 20 2. Page 2, line 6, by inserting after the word
 21 "claims" the words "and who is registered with the
 22 secretary of state under section 1 of this Act."
 23 3. By renumbering sections.

TED ANDERSON
 BOB CARR
 JAMES V. GALLAGHER

S-5329

- 1 Amend Senate File 2237 as follows:
 2 1. Page 1, by inserting after line 19 the
 3 following:
 4 "Sec. ____ Section 351.37, unnumbered paragraph
 5 1, Code 1981, is amended to read as follows:
 6 Any dog found running at large and not wearing
 7 a valid rabies vaccination tag and for which no rabies
 8 vaccination certificate can be produced shall be
 9 apprehended and impounded *in an animal shelter or*
 10 *pound.*"
 11 2. By renumbering the section.

JOE BROWN

S-5330

- 1 Amend Senate File 2275 as follows:
 2 1. Page 1, by inserting after line 23 the
 3 following:
 4 "*If the board adopts a schedule for the school*
 5 *year under this subsection, participation by a school*
 6 *district shall not modify the provisions of a master*
 7 *contract negotiated between the employer that is a*
 8 *school district and a certified bargaining unit*
 9 *pursuant to chapter 20 unless negotiations are reopened*
 10 *and are subject to impasse procedures.*"

JOE BROWN
 TED ANDERSON

S-5331

- 1 Amend House File 2411, as passed by the House as,
 2 follows:
 3 1. Page 1, by inserting before line 1 the follow-
 4 ing:
 5 "Section 1. Section 273.3, subsection 7, Code
 6 1981, is amended to read as follows:
 7 7. Be authorized *to lease*, subject to the approval
 8 of the state board of public instruction[, to lease.]

9 *and to receive by gift and operate and maintain [such]*
 10 *facilities and buildings [as deemed] necessary to provide*
 11 *authorized programs and services. However, a lease*
 12 *for less than ten years and with an annual cost of*
 13 *less than twenty-five thousand dollars does not require*
 14 *the approval of the state board. If a lease requires*
 15 *approval, the state board shall not approve the [leasing*
 16 *or renting of facilities or buildings] lease until*
 17 *[it] the state board is satisfied by investigation that*
 18 *[no] public school corporations within the area do not*
 19 *have suitable facilities available."*
 20 2. Amend the title, line 1, by inserting after
 21 the word "area" the words "and area education agency
 22 lease or".

TED ANDERSON

S-5332

1 Amend Senate File 2276 as follows:
 2 1. Page 22, line 18, by striking the word "estate."
 3 and inserting in lieu thereof the words "estate and
 4 shall not hold more than ten percent in current
 5 principal amount of its loans in consumer loans nor
 6 more than twenty percent in current principal amount
 7 of its loans in commercial loans. As used in this
 8 section, "consumer loan" means as defined in section
 9 537.1301, subsection 14, and "commercial loan" means
 10 a loan to a corporation or a loan to a natural person
 11 or partnership if the person or partnership uses the
 12 proceeds of the loan in the course of any commercial,
 13 service or industrial enterprise, including agriculture,
 14 carried on for profit, or for any investment activity,
 15 but "commercial loan" does not include any loan secured
 16 by residential real estate if the loan is not amortized
 17 and is made for a term of two years or less."

MICK LURA
 TOM SLATER

S-5333

1 Amend Senate File 2276 as follows:
 2 1. Page 34, by inserting after line 29 the following:
 3 "Sec. ____ Chapter 534, Code 1981, is amended by
 4 adding the following new section:
 5 *NEW SECTION. MINIMUM CAPITALIZATION. An*
 6 *association shall at all times maintain aggregate net*
 7 *capital, in the form of capital stock, capital certificates*
 8 *or capitalized net earnings, equal to not less than*

9 five percent of the gross assets of the association.
 10 An association shall not accept any money for deposit or
 11 share accounts if, following receipt of the money, the
 12 net capital to assets ratio of the association would
 13 be less than as required by this section."

TOM SLATER
 MICK LURA

S-5334

1 Amend Senate File 2233 as follows:
 2 1. Page 97, by striking lines 10 and 11 and
 3 inserting in lieu thereof the words "bail received
 4 from a magistrate to the treasurer of the county for
 5 the benefit of the school fund. On the first Monday
 6 in January of each year, the clerk shall make a written
 7 report to the boards of supervisors of the respective
 8 counties showing those fines, penalties, and
 9 forfeitures collected in the district court during
 10 the previous year which are payable into the county
 11 treasury for the benefit of the school fund under
 12 this section."
 13 2. By striking page 97, line 21 through page 98,
 14 line 5.

JOE BROWN

S-5335

1 Amend Senate File 2276 as follows:
 2 1. Page 30, line 14, by striking the word
 3 "cororation" and inserting in lieu thereof the word
 4 "corporation".
 5 2. Page 37, line 26, by striking the word "evelope"
 6 and inserting in lieu thereof the word "envelope".

EDGAR H. HOLDEN

S-5336

1 Amend Senate File 2276 as follows:
 2 1. Page 5, line 1, by striking the words "[eight]
 3 *ten*" and inserting in lieu thereof the word "eight".
 4 2. Page 5, line 2, by inserting after the word
 5 "banks" the words "*, savings and loan associations*
 6 *and credit unions*".
 7 3. Page 5, line 4, by inserting after the word
 8 "banks" the words "*, savings and loan associations*
 9 *and credit unions*".

BOB RUSH

S-5337

1 Amend Senate File 2276 as follows:
2 1. Page 1, by inserting after line 30 the
3 following:
4 "Sec. ____ Chapter 524, Code 1981, is amended by
5 adding the following new section:
6 *NEW SECTION. MINIMUM CAPITALIZATION.* A state
7 bank shall at all times maintain aggregate net
8 capital, in the form of capital stock, capital
9 certificates or capita lized net earnings, equal to
10 not less than five percent of the gross assets of the
11 bank. A bank shall not accept any money for deposit
12 or share accounts if, following receipt of the money,
13 the net capital to assets ratio of the bank would be
14 less than as required by this section."

TOM SLATER

S-5338

1 Amend Senate File 2276 as follows:
2 1. Page 2, by striking line 28 through page 3,
3 line 4.

BERL E. PRIEBE
ARNE WALDSTEIN

S-5340

1 Amend Senate File 2276 as follows:
2 1. Page 2, lines 6 and 7, by striking the words
3 "*less the amount of debt secured by the*
4 *investments,*".
5 2. Page 4, by striking line 28 through page 5,
6 line 6 and inserting in lieu thereof the following:
7 "Sec. ____ Section 524.1802, Code 1981, is amended
8 to read as follows:
9 524.1802 *LIMITATION.* No bank holding company
10 shall directly or indirectly acquire ownership or
11 control of more than twenty-five percent of the voting
12 shares of any bank *or savings and loan association,*
13 or the power to control in any manner the election
14 of a majority of the directors of any bank *or savings*
15 *and loan association,* if upon such acquisition the
16 banks *and savings and loan associations* so owned or
17 controlled by the bank holding company would have,
18 in the aggregate, more than eight percent of the total
19 deposits, both time and demand, of all banks *or savings*
20 *and loan associations* in this state, as determined

- 21 by the superintendent on the basis of the most recent
 22 reports of the banks *or savings and loan associations*
 23 in the state to their supervisory authorities which
 24 are available at the time of the acquisition.”.
- 25 3. Page 6, lines 1 and 2, by striking the words
 26 “, less the amount of debt secured by the
 27 investments,”.
- 28 4. Page 28, line 7, by striking the words “, less
 29 the debt secured by this investment,”.

EDGAR H. HOLDEN

S-5341

- 1 Amend Senate File 2276 as follows:
 2 1. Page 1, by striking line 31 through page 2,
 3 line 7.
 4 2. Page 5, by striking line 26 through page 6,
 5 line 3.
 6 3. Page 27, by striking line 26 through page 28,
 7 line 8.

ARNE WALDSTEIN
 ELVIE L. DREESZEN
 EMIL J. HUSAK
 BERL E. PRIEBE
 NORMAN RODGERS
 SUE YENGER

S-5342

- 1 Amend Senate File 2276 as follows:
 2 1. Page 9, by inserting after line 14 the
 3 following:
 4 “Sec. ____ Section 534.5, subsection 1, Code 1981,
 5 as amended by Acts of the Sixty-ninth General Assembly,
 6 1981 Session, chapter 175, section 1, is amended to
 7 read as follows:
 8 1. EXCLUSIVENESS OF ACCESS. Every member shall
 9 have the right to inspect such books and records of
 10 an association as pertain to the member’s loan or
 11 savings investment. Otherwise, the right of inspection
 12 and examination of the books and records shall be
 13 limited (a) to the supervisor or a duly authorized
 14 representative as provided in this chapter (b) to
 15 persons duly authorized to act for the association,
 16 and (c) to any federal instrumentality or agency
 17 authorized to inspect or examine the books and records
 18 of an insured association or of an uninsured member
 19 by the federal home loan bank. The accounts and loans

20 of members shall be kept confidential by the
21 association, its directors, officers and employees,
22 and by the supervisor and the supervisor's examiners
23 and representatives, provided that the association
24 may, upon receipt of the written consent of a member,
25 furnish information concerning that member's loans
26 and savings investments to a person who the association
27 has reason to believe intends to use the information
28 in connection with a credit transaction involving
29 the member on whom the information is to be furnished
30 and involving the extension of credit to, or review
31 or collection of an account of, the member. No member
32 or any other person shall have access to the books
33 and records [or shall possess a partial or complete
34 list of the members] except upon express action and
35 authority of the board of directors. *Every association*
36 *shall compile prior to its annual meeting, and shall*
37 *make available to any member upon request of the*
38 *member, a list by name of the aggregate remuneration*
39 *paid by the association during the preceding fiscal*
40 *year to each of the association's five highest paid*
41 *officers and to each director of the association.*

42 Sec. ____ Section 534.5, subsection 2, Code 1981,
43 is amended to read as follows:

44 2. Communication with members. In the event,
45 however, that any member or members desire to
46 communicate with other members of the association
47 with reference to any question pending or to be
48 presented for consideration at a meeting of the
49 members, the association shall *make available for*
50 *copying by any member, upon request of that member,*

Page 2

1 *a list of the names and last known mailing addresses*
2 *of each of the other members of the association, or,*
3 *at the requesting member's discretion, shall furnish*
4 *[upon request] a statement of the approximate number*
5 *of members of the association at the time of [such]*
6 *the request, and an estimate of the cost of forwarding*
7 *[such] the communication. [The requesting] If the*
8 *requesting member desires to have the communication*
9 *forwarded by the association, the member or members*
10 *shall then submit the communication to the supervisor*
11 *who, [if he finds] upon finding it to be appropriate,*
12 *truthful and in the best interests of the association*
13 *and all its members, shall execute a certificate*
14 *setting out [such] the findings, forward the certificate*
15 *together with the communications to the association,*

16 and direct that the communication be prepared and
 17 mailed by the association to the members upon the
 18 requesting member's or members' payment [to it] of the
 19 expenses of [such] preparation and mailing."

20 2. Page 17, by inserting after line 7 the
 21 following:

22 "Sec. ____ Section 534.12, subsection 1, Code
 23 1981, is amended to read as follows:

24 1. Voting. Each member shall have one vote for
 25 each one hundred dollars of net equity above share
 26 loans in his or her share account owned and held by
 27 him or her at any election, and may vote the same
 28 by proxy, but no person shall vote more than ten
 29 percent of the savings liability at the time of said
 30 election excepting that proxies held and voted by
 31 an individual member or a proxy committee shall not
 32 be included in said ten percent limitation. Every
 33 proxy shall be in writing and shall[, unless otherwise
 34 specified in the proxy,] continue in force for eleven
 35 months from the date thereof. No proxies shall be
 36 voted at any meeting unless such proxies have been
 37 on file with the secretary of the association for
 38 verification at least five days before the date of
 39 the meeting. Anyone depositing or transferring savings
 40 as collateral security shall be deemed the owner of
 41 such share account within the meaning of this section.
 42 Notice of the regular annual meeting of members of
 43 an association shall be given by publishing said
 44 notice in a newspaper of general circulation in the
 45 county in which the office of said association is
 46 located at least thirty days before the date set for
 47 said annual meeting. Proxies may be revoked by any
 48 member upon written notice to the secretary of an
 49 association; by execution of a written proxy to another
 50 agent; or by personal attendance by the member at

Page 3

1 the members' meetings. Each member as defined by
 2 section 534.2, subsection 8, shall, regardless of
 3 shares, be entitled to at least one vote at any
 4 members' meeting."

5 3. By renumbering sections and correcting internal
 6 references.

ARTHUR A. SMALL, JR.

S-5343

1 Amend Senate File 2276 as follows:

- 2 1. Page 5, by striking lines 7 through 25.
- 3 2. By renumbering sections and correcting internal
- 4 references.

PATRICK J. DELUHERY

S-5344

- 1 Amend Senate File 2276 as follows:
- 2 1. Page 2, lines 6 and 7, by striking the words
- 3 “, less the amount of debt secured by the
- 4 investments,”.
- 5 2. Page 4, by striking line 28 through page 5,
- 6 line 6 and inserting in lieu thereof the following:
- 7 “Sec. ____ Section 524.1802, Code 1981, is amended
- 8 to read as follows:
- 9 524.1802 LIMITATION. No bank holding company
- 10 shall directly or indirectly acquire ownership or
- 11 control of more than twenty-five percent of the voting
- 12 shares of any bank *or savings and loan association*
- 13 *or credit union*, or the power to control in any manner
- 14 the election of a majority of the directors of any
- 15 bank *or savings and loan association or credit union*,
- 16 if upon such acquisition the banks *and savings and*
- 17 *loan associations and credit unions* so owned or
- 18 controlled by the bank holding company would have,
- 19 in the aggregate, more than eight percent of the total
- 20 deposits, both time and demand, of all banks *or savings*
- 21 *and loan associations or credit unions* in this state,
- 22 as determined by the superintendent on the basis of
- 23 the most recent reports of the banks *or savings and*
- 24 *loan associations or credit unions* in the state to
- 25 their supervisory authorities which are available
- 26 at the time of the acquisition.”.
- 27 3. Page 6, lines 1 and 2, by striking the words
- 28 “, less the amount of debt secured by the
- 29 investments,”.
- 30 4. Page 28, line 7, by striking the words “, less
- 31 the debt secured by this investment.”.

EDGAR H. HOLDEN

S-5345

- 1 Amend Senate File 2276 as follows:
- 2 1. Page 4, line 20, by inserting after the word
- 3 “and” the words “with respect to a loan as defined
- 4 in section 535.8 entered into after the effective
- 5 date of this Act”.
- 6 2. Page 4, line 23, by inserting after the word

7 "accounts" the words ", provided that the bank may
8 deduct an amount which is a reasonable estimate of
9 the expense of handling the escrow account".

10 3. Page 7, line 4, by inserting after the word
11 "and" the words "with respect to a loan as defined
12 in section 535.8 entered into after the effective
13 date of this Act".

14 4. Page 7, line 6, by inserting after the word
15 "deposits" the words ", provided that the credit union
16 may deduct an amount which is a reasonable estimate
17 of the expense of handling the escrow account".

18 5. Page 26, line 10, by inserting after the word
19 "and" the words "with respect to a loan as defined
20 in section 535.8 entered into after the effective
21 date of this Act".

22 6. Page 26, line 13, by inserting after the word
23 "accounts" the words ", provided that the association
24 may deduct an amount which is a reasonable estimate
25 of the expense of handling the escrow account".

26 7. Page 44, line 19, by inserting after the word
27 "and" the words "with respect to a loan as defined
28 in section 535.8 entered into after the effective
29 date of this Act".

30 8. Page 44, line 21, by inserting after the word
31 "company" the words ", provided that the company may
32 deduct an amount which is a reasonable estimate of
33 the expense of handling the escrow account".

LUCAS J. DE KOSTER

S-5346

1 Amend the amendment S-5325 to Senate File 2218 as
2 follows:

DIVISION S—5346A

3 1. Page 5, line 39, by striking the words "in
4 keeping with" and inserting in lieu thereof the words
5 "giving consideration to".

DIVISION S—5346B

6 2. Page 6, line 12, by striking the word
7 "amending" and inserting in lieu thereof the words
8 "proposing amendments to".

9 3. Page 6, line 13, by striking the word "amends"
10 and inserting in lieu thereof the words "proposes
11 amendments to".

DIVISION S—5346C

12 4. Page 6, line 15, by striking the word "shall"
13 and inserting in lieu thereof the words "may rerefer
14 the amendment to the commission for modification,
15 may reject the amendment, or may".

FORREST V. SCHWENGELS

S-5347

1 Amend the amendment S-5325 to Senate File 2218 as
2 follows:
3 1. Page 5, by inserting after line 6 the following:
4 "5. The county commission shall, to the greatest
5 extent possible, use the information compiled under
6 Acts of the Sixty-seventh General Assembly, 1977
7 Session, chapter 53, in compiling the inventories
8 provided under this section."

RAY TAYLOR

S-5348

1 Amend Senate File 2276 as follows:
2 1. Page 4, line 20, by inserting after the word
3 "and" the words "with respect to escrow agreements
4 entered into on or after the effective date of this
5 Act".
6 2. Page 7, line 4, by inserting after the word
7 "and" the words "with respect to escrow agreements
8 entered into on or after the effective date of this
9 Act".
10 3. Page 26, line 10, by inserting after the word
11 "and" the words "with respect to escrow agreements
12 entered into on or after the effective date of this
13 Act".
14 4. Page 44, line 19, by inserting after the word
15 "and" the words "with respect to escrow agreements
16 entered into on or after the effective date of this
17 Act".

BOB RUSH

S-5349

1 Amend Senate File 2286 as follows:

- 2 1. Page 1, line 32, by inserting after the word
 3 "modification" the words "*if an administrative order*
 4 *is made under section 2 of this Act*".
 5 2. Page 2, line 25, by inserting after the word
 6 "landowner" the words "who made the unauthorized
 7 removal, alteration or modification".

FORREST V. SCHWENGELS
 ARNE WALDSTEIN

S-5350

- 1 Amend House File 2437, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 4, by striking lines 15 through 19 and
 4 inserting in lieu thereof the following:
 5 "If a political subdivision is the delegate
 6 agency,".

JOHN S. MURRAY

S-5351

- 1 Amend the amendment S-5325 to Senate File 2218 as
 2 follows:
 3 1. Page 6, by striking lines 44 through 47, and
 4 inserting in lieu thereof the following: "person
 5 engaged in farming or by a family farm operation.
 6 Nonconforming".

JAMES V. GALLAGHER
 ELVIE L. DREESZEN
 ALVIN V. MILLER

S-5352

- 1 Amend amendment S-5325 to Senate File 2218 as
 2 follows:
 3 1. Page 2, by striking line 34 through page 3,
 4 line 17 and inserting in lieu thereof the following:
 5 "1. The state land preservation council shall
 6 consist of six elected members elected from
 7 conventions. The conventions shall be in each
 8 congressional district. The members of the county
 9 commissions appointed under section 5, subsection
 10 1, paragraphs b, c and d of this Act shall attend
 11 as delegates. At each convention the members appointed
 12 by county supervisors, by district soil conservation
 13 commissioners, and by mayors and council persons shall
 14 elect one county commissioner to the state council.
 15 The department of soil conservation shall provide

16 assistance in making the arrangements for the
 17 conventions. Each member of each county commission
 18 present shall have one vote at the convention. If
 19 the congressional district elections do not result
 20 in the election of a county supervisor, a mayor and
 21 a soil conservation commissioner, the governor shall
 22 appoint one member to represent each of these groups
 23 to the state council.

24 2. The state council shall convene and organize
 25 by the election from its members of a chairperson
 26 and a vice chairperson. A majority of the members
 27 of the state council shall constitute a quorum and
 28 the concurrence of a quorum shall be required to
 29 determine any matter relating to its official duties.
 30 Each member of the state council is entitled to receive
 31 a forty dollar per diem and shall be reimbursed for
 32 actual and necessary expenses.

33 3. If a vacancy occurs on the state council the
 34 department of soil conservation shall call a
 35 congressional district convention only of those county
 36 commissioners who would elect a member to fill that
 37 vacancy.

38 4. The department may employ professional technical
 39 and clerical assistance to carry out the state
 40 council's duties. The state council shall be
 41 administratively attached to the department of soil
 42 conservation which shall provide support services
 43 to the state council."

44 2. Page 5, by striking lines 20 through 26 and
 45 inserting in lieu thereof the following:

46 "1. By August 1, 1982, the county commissions
 47 shall organize.

48 2. By September 1, 1982, the congressional district
 49 conventions shall elect the members of the state
 50 council.

Page 2

1 3. By October 1, 1982, the state council shall
 2 organize.

3 4. By December 31, 1982, the state council shall
 4 establish".

BERL E. PRIEBE

S-5353

1 Amend Senate File 2273 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 96.7, subsections 15 and 16,
5 Code 1981, are amended by striking the subsections
6 and inserting in lieu thereof the following:
7 15. TEMPORARY EMERGENCY TAX. If on the first
8 day of the third month in any calendar quarter in
9 1983, the department has an outstanding balance of
10 interest accrued on advance moneys received from the
11 federal government for the payment of unemployment
12 compensation benefits, or is projected to have an
13 outstanding balance of accruing federal interest for
14 that calendar quarter, the director shall collect
15 a temporary emergency tax for that calendar quarter
16 in 1983, retroactive to the beginning of that calendar
17 quarter. The tax shall be set at the rate necessary
18 to pay the interest accrued on the moneys advanced
19 to the department by the federal government, and to
20 pay any additional federal interest which will accrue
21 for the remainder of that calendar quarter. However,
22 the tax shall not be greater than one-tenth of one
23 percent of taxable wages for that calendar quarter.
24 The tax shall apply to all employers except government
25 entities, nonprofit organizations, and employers
26 assigned a zero contribution rate for calendar year
27 1983. The director shall prescribe the manner in
28 which the tax will be collected. Interest shall
29 accrue on all unpaid tax under this subsection at
30 the same rate as on regular contributions and shall
31 be collectible in the same manner. The tax shall
32 not affect the computation of regular contributions
33 under this chapter.

34 A special fund to be known as the temporary
35 emergency tax fund is created in the state treasury.
36 The special fund is separate and distinct from the
37 unemployment compensation trust fund. All
38 contributions collected from the temporary emergency
39 tax shall be deposited in the special fund. The
40 special fund shall be used only to pay interest
41 accruing on advance moneys received from the federal
42 government for the payment of unemployment compensation
43 benefits.

44 16. If on March 1, 1983, the total unemployment
45 compensation trust funds available for the payment
46 of benefits are less than ten times the average total
47 weekly benefits paid during four consecutive weeks
48 of January and February, 1983, the department may
49 require an advance payment of all or a portion of
50 the actual or projected employer contributions due

Page 2

1 for the calendar quarter ending March 31, 1983, payable

2 on March 31, 1983.

3 Sec. 2. Section 96.13, subsection 3, unnumbered
4 paragraph 3, Code 1981, is amended to read as follows:

5 Balances to the credit of the special employment
6 security contingency fund shall not lapse at any time
7 but shall continuously be available to the department
8 for expenditures consistent [herewith] *with this*
9 *subsection.* [However, if on July 1 of any year the
10 balance in the special employment security contingency
11 fund exceeds fifty thousand dollars by ten thousand
12 dollars or more, the treasurer of state shall promptly
13 transfer the entire amount over fifty thousand dollars
14 to the unemployment compensation fund established
15 in section 96.9 unless the department determines that
16 such transfer should not be made because of immediate
17 obligations to be met from the fund.]

18 Sec. 3. Section 96.19, subsection 21, Code 1981,
19 is amended to read as follows:

20 21. "COMPUTATION DATE". The computation date
21 for contribution rates shall be July 1 of that calendar
22 year preceding the calendar year with respect to which
23 such rates are to be effective. [If the total trust
24 funds available for payment of unemployment
25 compensation benefits through April 1, 1978, is
26 projected to fall below twenty million dollars, the
27 director of the Iowa department of job service shall
28 prepare and adopt such procedures for advance payment
29 of a portion of the employer's unemployment
30 contributions projected due for the first quarter
31 of the calendar year beginning January 1, 1978.]"

CLARENCE CARNEY
TED ANDERSON
RICHARD F. DRAKE

S-5354

1 Amend Senate File 2233 as follows:

DIVISION S—5354A

2 1. Page 10, by striking lines 31 through 35 and
3 inserting in lieu thereof the following:

4 "9. A county shall provide suitable office space
5 for a public defender if established for the county.

6 10. A county shall pay the fees and expenses
7 allowed under sections 815.2 and 815.3, and shall
8 pay the fees and expenses allowed under sections 815.5
9 and 815.6 with respect to witnesses for the
10 prosecution."

11 2. Page 121, by inserting after line 15 the
12 following:

13 "Sec. ____ Section 801.4, subsection 10, Code
14 1981, as amended by Acts of the Sixty-ninth General
15 Assembly, 1981 Session, chapter 117, section 1240,
16 is amended by striking the subsection and inserting
17 in lieu thereof the following:

18 10. "Indigent person" means a person who is
19 determined to be indigent in accordance with section
20 20000 of this Act."

21 3. Page 122, by inserting after line 9 the
22 following:

23 "Sec. ____ Section 814.9, Code 1981, is amended
24 to read as follows:

25 814.9 INDIGENT'S RIGHT TO TRANSCRIPT ON APPEAL.

26 If a defendant in a criminal cause has perfected an
27 appeal from a judgment [against him or her and shall
28 satisfy the judge of the district court that he or
29 she is indigent, such judge] *and is determined by the*
30 *court to be indigent, the court may order the*
31 *transcript made at [the expense of the county where*
32 *the defendant was tried] public expense. When an*
33 *attorney of record is representing [such] an indigent,*
34 *[said] the attorney shall [make application] apply to*
35 *the district court for the transcript.*

36 Sec. ____ Section 814.10, Code 1981, is amended
37 to read as follows:

38 814.10 INDIGENT'S APPLICATION FOR TRANSCRIPT IN

39 OTHER CASES. If a defendant in a criminal cause has
40 been granted discretionary review from an action of
41 the district court and the appellate court deems a
42 transcript or portions thereof are necessary to proper
43 review of the question or questions raised, the
44 district court shall order the transcript made at
45 [the expense of the county where the defendant was
46 tried.] *public expense if the defendant is determined*
47 *to be indigent.*

48 Sec. 20000. Chapter 815, Code 1981, is amended
49 by adding the following new section:

50 **NEW SECTION. INDIGENCY DETERMINED--PENALTY.**

Page 2

DIVISION S--5354A (cont'd.)

1 1. For purposes of this chapter, section 68.8,
2 section 222.22, chapter 232, chapter 814, and the
3 rules of criminal procedure, a person is indigent
4 if the person is determined to be unable to employ

5 legal counsel without prejudicing the person's
6 financial ability to provide economic necessities
7 for the person or the person's dependent family.
8 2. A person shall not be determined to be indigent
9 except upon the basis of information contained in
10 a detailed financial statement submitted by the person,
11 or in an appropriate case by the person's parent,
12 guardian, or custodian. The financial statement shall
13 be in the form prescribed by the supreme court, and
14 shall contain a full disclosure of all assets,
15 liabilities, current income, dependents, and other
16 information prescribed by the supreme court. The
17 supreme court shall adopt rules under section 602.5202
18 of this Act prescribing the form and content of the
19 financial statement, and the standards by which
20 indigency shall be determined under subsection 1.
21 If a person is granted legal assistance as an indigent,
22 the financial statement shall be filed and permanently
23 retained in the person's court file.

24 3. A person who knowingly submits a false financial
25 statement for the purpose of obtaining legal assistance
26 at public expense commits a fraudulent practice.
27 As used in this subsection, "legal assistance" includes
28 legal counsel, transcripts, witness fees and expenses,
29 and any other goods or services required by law to
30 be provided to an indigent person at public expense.
31 Sec. ____ Chapter 815, Code 1981, is amended by
32 adding the following new section:

33 **NEW SECTION. APPOINTMENT OF COUNSEL BY COURT.**

34 1. The court, for cause and upon its own motion
35 or upon application by an indigent person or a public
36 defender, may appoint a public defender or any attorney
37 who is admitted to the practice of law in this state
38 to represent an indigent person at any state of the
39 proceedings or on appeal of any action in which the
40 indigent person is entitled to legal assistance at
41 public expense. An appointment shall not be made
42 unless the person is found to be indigent under section
43 20000 of this Act.

44 2. If a court finds that a person desires legal
45 assistance and is not indigent, but refuses to employ
46 an attorney, the court shall appoint a public defender
47 or another attorney to represent the person at public
48 expense. If an attorney other than a public defender
49 is appointed, the fee paid to the attorney shall be
50 taxed as a court cost against the person.

1 3. An attorney other than a public defender who
2 is appointed by the court under subsection 1 or 2
3 shall apply to the district court for compensation
4 and for reimbursement of costs incurred. The amount
5 of compensation due shall be determined in accordance
6 with section 815.7.

7 Sec. ____ Chapter 815, Code 1981, is amended by
8 adding the following new section:

9 **NEW SECTION. APPROPRIATIONS FOR INDIGENT DEFENSE.**

10 Costs incurred under sections 814.9, 814.10, 814.11,
11 815.4, 815.5, 815.6, 815.7, or the rules of criminal
12 procedure on behalf of an indigent shall be paid from
13 funds appropriated by the general assembly to the
14 supreme court for those purposes."

15 4. Page 124, by striking lines 8 and 9 and insert-
16 ing in lieu thereof the words "[establishment and
17 operation of a public defender's office]".

18 5. By striking page 124, line 17 through page
19 128, line 28.

20 6. Page 130, line 2, by striking the words "attor-
21 ney fees for defending criminals,".

22 7. Page 130, by inserting after line 25 the fol-
23 lowing:

24 "Sec. ____ Acts of the Sixty-ninth General
25 Assembly, 1981 Session, chapter 117, section 776,
26 subsection 4, is amended to read as follows:

27 4. The board shall determine the compensation
28 of the public defender, *subject to limitations*
29 *established by the general assembly or the supreme*
30 *court.*

31 Sec. ____ Acts of the Sixty-ninth General Assembly,
32 1981 Session, chapter 117, section 776, subsection
33 5, is amended by striking the subsection and inserting
34 in lieu thereof the following:

35 5. a. The board shall provide office space that
36 is for the use of the public defender and that is
37 suitable for the business of the office. However,
38 the board may provide the public defender office with
39 a facility expense allowance in lieu of furnishing
40 office space. If the public defender office serves
41 more than one county, the expense of providing office
42 space or the amount allowed for facility expense shall
43 be apportioned between the counties served on a
44 reasonable basis.

45 b. The board shall provide furniture, equipment,
46 and supplies, that are for the use of the public
47 defender office and that are suitable for the business
48 of the office, out of funds appropriated to the supreme
49 court and allocated by the supreme court to the county
50 for this purpose. If a public defender office serves

Page 4

DIVISION S—5354A (cont'd.)

1 more than one county, the supreme court shall select
2 one of the counties to perform the duties required
3 by this paragraph. The board shall account to the
4 supreme court for allocations and expenditures under
5 this paragraph.

6 c. The board shall approve the appointment and
7 compensation of deputy public defenders and other
8 employees of the public defender office, subject to
9 limitations established by the general assembly or
10 the supreme court. The compensation and expenses
11 of the public defender, deputy public defenders, and
12 employees of the public defender office shall be paid
13 from funds appropriated to the supreme court and
14 allocated by the supreme court to the county for this
15 purpose. The board shall account to the supreme court
16 for allocations and expenditures under this paragraph.

17 Sec. ____ Acts of the Sixty-ninth General Assembly,
18 1981 Session, chapter 117, section 776, subsection
19 8, is amended to read as follows:

20 8. The [compensation and expenses of] *costs incurred*
21 *by a county in providing office space for the office*
22 of public defender may be paid from the court expense
23 fund.

24 Sec. ____ Acts of the Sixty-ninth General Assembly,
25 1981 Session, chapter 117, section 777, subsection
26 2, is amended to read as follows:

27 2. Shall make the determination of indigence
28 [within criteria established by the board before] *as*
29 *required under section 20000 of this Act prior to*
30 the initial arraignment or other initial court
31 appearance. At or after initial arraignment or other
32 initial court appearance, [the] *a determination of*
33 indigence shall be made by the court. The [public
34 defender shall require an indigent person requesting
35 legal assistance to complete a detailed] financial
36 statement [which] *required under section 20000 of this*
37 *Act shall be filed in the indigent person's court*
38 *file and retained as a permanent part of the file."*

39 8. Page 132, by inserting after line 33 the
40 following:

41 "Sec. ____ Rule of criminal procedure 2, subsection
42 3, Code 1981, as amended by Acts of the Sixty-ninth
43 General Assembly, 1981 Session, chapter 117, section
44 1241, is amended by striking the subsection and
45 inserting in lieu thereof the following:

46 3. COUNSEL FOR INDIGENT. The magistrate may
 47 appoint counsel to represent the defendant at public
 48 expense if the magistrate determines the defendant
 49 to be indigent in accordance with section 20000 of
 50 this Act.

Page 5

DIVISION S—5354A (cont'd.)

1 Sec. ____ Rule of criminal procedure 2, subsection
 2 4, paragraph g, subparagraph (2), Code 1981, is amended
 3 to read as follows:

4 (2) On application of a defendant addressed to
 5 a district judge, showing that the record of
 6 preliminary hearing, in whole or in part, should be
 7 made available to the defendant's counsel, an order
 8 may issue that the clerk make available a copy of
 9 the record, or of a portion thereof, to defense
 10 counsel. [Such] *The order shall [provide for] require*
 11 *prepayment of the costs of [such] the record by the*
 12 *defendant [unless the defendant makes a sufficient*
 13 *affidavit that he or she is unable to pay or to give*
 14 *security therefor, in which case the expense shall*
 15 *be paid by the county], provided that if the defendant*
 16 *is indigent the record shall be made at public expense.*
 17 The prosecution may move also that a copy of the
 18 record, in whole or in part, be made available to
 19 it, for good cause shown, and an order may be entered
 20 granting such motion in whole or in part, on
 21 appropriate terms, except that the government need
 22 not prepay costs nor furnish security therefor.

23 Sec. ____ Rule of criminal procedure 19, subsection
 24 4, Code 1981, is amended to read as follows:

25 4. WITNESSES FOR INDIGENTS. Counsel for a
 26 defendant who *because of indigency* is financially
 27 unable to obtain expert or other witnesses necessary
 28 to an adequate defense of the case may request
 29 [compensation] in a written application *that the*
 30 *necessary witnesses be secured at public expense.*
 31 Upon finding, after appropriate inquiry, that the
 32 services are necessary and that the defendant is
 33 financially unable to provide compensation, the court
 34 shall authorize counsel to obtain [such] *the witnesses*
 35 *on behalf of the defendant. The court shall determine*
 36 *reasonable compensation [for the services] and direct*
 37 *payment [to the person who rendered them] pursuant to*
 38 *chapter 815, The Code.*

39 Sec. ____ Rule of criminal procedure 26, subsection

40 1, Code 1981, as amended by Acts of the Sixty-ninth
41 General Assembly, 1981 Session, chapter 117, section
42 1242, is amended to read as follows:

43 1. REPRESENTATION. Every defendant who is an
44 indigent person as defined in section [775, subsection
45 4 of this Act] *20000 of this Act* is entitled to have
46 counsel appointed to represent him or her at every
47 stage of the proceedings from the defendant's initial
48 appearance before the magistrate or the court through
49 appeal, including probation and parole revocation
50 hearings, unless the defendant waives such appointment.

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DIVISION S—5354A (cont'd.)

1 Sec. ____ Rule of criminal procedure 26.1,
2 subsections 1 and 5, Code 1981, are amended to read
3 as follows:

4 1. An indigent defendant, as defined in section
5 [336A.4, The Code] *20000 of this Act*, convicted of an
6 indictable offense or a simple misdemeanor where
7 defendant faces the possibility of imprisonment, is
8 entitled to appointment of counsel on appeal or
9 application for discretionary review to the supreme
10 court. Application for appointment of appellate
11 counsel shall be made to the trial court, which shall
12 retain authority to act on such application after
13 notice of appeal or application for discretionary
14 review has been filed. The supreme court, or a justice
15 thereof, shall have authority to appoint counsel in
16 the event the trial court fails or refuses to appoint
17 and it becomes necessary to further provide for
18 counsel.

19 5. If defendant has proceeded as an indigent in
20 the trial court and a financial statement [required
21 by section 336B.2, The Code,] *already* has been filed
22 pursuant to [section 336B.4, The Code, such] *section*
23 *20000 of this Act*, the defendant, upon making appli-
24 cation for appointment of appellate counsel, shall
25 be presumed to be an indigent, and an additional
26 financial statement shall not be required to be
27 submitted to the court, unless evidence is offered
28 that defendant is not an indigent. In all other cases
29 defendant shall be required to submit a financial
30 statement to the trial court. Defendant and appointed
31 appellate counsel shall be under a continuing
32 obligation to inform the trial court of any change
33 in circumstances that would make defendant ineligible
34 to qualify as an indigent.”

DIVISION S—5354B (cont'd.)

35 9. Page 135, by striking lines 17 through 19 and
 36 inserting in lieu thereof the following:
 37 "1. As used in this section, "base cost" equals
 38 thirty-four million eight hundred five thousand four
 39 hundred fifty-three dollars,".

DIVISION S—5354A (cont'd.)

40 10. Page 142, line 15, by inserting after the
 41 figure "704," the words and figures "and sections
 42 775 and 778,".
 43 11. Page 143, line 7, by striking the number
 44 "10078,".
 45 12. By renumbering and correcting internal
 46 references as necessary.

JOHN W. JENSEN

S-5355

1 Amend Senate File 2276 as follows:
 2 1. Page 17, line 24, by striking the word "thirty"
 3 and inserting in lieu thereof the words "[thirty] sixty".
 4 2. Page 17, line 26, by inserting after the word
 5 "association" the words "*and by giving a second notice*
 6 *by ordinary first class mail that is deposited in*
 7 *the mail not less than twenty days prior to the*
 8 *redemption date. Each notice shall disclose, in the*
 9 *manner prescribed by rule adopted by the supervisor,*
 10 *that failure to redeem within the period prescribed*
 11 *in this section results in a loss of the interest*
 12 *or dividends as provided in this subsection"*.

PATRICK J. DELUHERY

S-5356

1 Amend Senate File 2276 as follows:
 2 1. Page 27, by striking lines 3 through 5.

PATRICK J. DELUHERY

S-5357

1 Amend Senate File 2280 as follows:
 2 1. Page 8, line 1, by striking the word "monthly"
 3 and inserting in lieu thereof the word "quarterly".
 4 2. Page 8, line 2, by striking the word "month"
 5 and inserting in lieu thereof the word "quarter".

BOB CARR

S-5358

1 Amend amendment S-5325 to Senate File 2218 as
2 follows:

3 1. Page 11, by inserting after line 1 the
4 following:

5 "Sec. 20. Section 358A.8, Code 1981, is amended
6 to read as follows:

7 358A.8 COMMISSION APPOINTED. In order to avail
8 itself of the powers conferred by this chapter, the
9 board of supervisors shall [appoint a] *authorize the*
10 *county land preservation* commission, [a majority of
11 whose members shall reside within the county but
12 outside the corporate limits of any city,] to [be known]
13 *serve* as the county zoning commission, to recommend
14 the boundaries of the various original districts,
15 and appropriate regulations and restrictions to be
16 enforced therein. Such commission shall, with due
17 diligence, prepare a preliminary report and hold
18 public hearings thereon before submitting its final
19 report; and the board of supervisors shall not hold
20 its public hearings or take action until it has
21 received the final report of such commission. After
22 the adoption of such regulations, restrictions, and
23 boundaries of districts, the zoning commission may,
24 from time to time, recommend to the board of
25 supervisors amendments, supplements, changes or
26 modifications. The zoning commission, with the
27 approval of the board of supervisors, may contract
28 with professional consultants, regional planning
29 commissions, the Iowa development commission, or the
30 federal government, for local planning assistance."

31 2. By renumbering the sections to conform with
32 this amendment.

RAY TAYLOR

S-5359

1 Amend Senate File 2276 as follows:

2 1. Page 16, line 14, by inserting after the word
3 "*the*" the word "*account*".

PATRICK J. DELUHERY

S-5360

1 Amend Senate File 2276 as follows:

2 1. Page 25, by striking lines 25 through 28.

PATRICK J. DELUHERY

S-5361

- 1 Amend House File 2405, as passed by the House,
 2 as follows:
 3 1. Page 1, by inserting before line 1 the following
 4 new section:
 5 "Section 1. Section 321.1, subsection 16, paragraph
 6 b, subparagraphs (1) and (2), Code 1981, are amended
 7 to read as follows:
 8 (1) From a place at which [such] *the* vehicles are
 9 manufactured, fabricated, repaired, or sold [at] to
 10 a farm site or a retail seller or from a retail seller
 11 to a farm site;
 12 (2) To a place at which [such] *the* vehicles are
 13 manufactured, fabricated, repaired, or sold [at] to
 14 a farm site or a retail seller or from a retail seller
 15 from a farm site; or".
 16 2. Page 1, by striking lines 8 through 14 and
 17 inserting in lieu thereof the following: "*in this*
 18 *section. However, the movement of implements of*
 19 *husbandry between the retail seller and a farm*
 20 *purchaser or the movement of indivisible implements*
 21 *of husbandry between the place of manufacture and*
 22 *a retail seller or farm purchaser under section 321.453*
 23 *is subject to safety rules adopted by the department.*
 24 *The safety rules shall prohibit the movement of any*
 25 *power unit towing more than one implement of*
 26 *husbandry.*"
 27 3. Page 1, by striking lines 20 through 24 and
 28 inserting in lieu thereof the following: "upon a
 29 highway, or to implements moved between the retail
 30 seller and a farm purchaser [within a fifty mile radius
 31 from corporate limits wherein his place of business
 32 is located], or to indivisible implements of husbandry
 33 temporarily moved between the place of manufacture
 34 and a retail seller or a farm purchaser, or implements
 35 received and moved by a retail".
 36 4. Renumber sections and correct internal
 37 references as are necessary in accordance with this
 38 amendment.

COMMITTEE ON TRANSPORTATION
 RICHARD F. DRAKE, Chair

S-5362

- 1 Amend Senate File 2276 as follows:
 2 1. By striking page 2, line 28 through page 3,
 3 line 4.
 4 2. Page 28, by striking line 18.

- 5 3. Page 28, line 19, by striking the word "bank;"
 6 4. Page 28, line 23, by striking the figure and
 7 word "(7) in".
 8 5. Page 28, by striking lines 24 through 29 and
 9 inserting in lieu thereof the following: "(9) in
 10 demand,".
 11 6. Page 29, line 9, by striking the figure and
 12 word "(13) in".
 13 7. Page 29, by striking lines 10 through 12.
 14 8. Page 29, line 13, by striking the word
 15 "invest;".
 16 9. By renumbering as necessary.

BERL E. PRIEBE

S-5363

- 1 Amend Senate File 2276 as follows:
 2 1. Page 22, by striking line 17 and inserting
 3 in lieu thereof the following: "of the assets of
 4 the association in real estate loans".
 5 2. Page 22, line 18, by inserting after the word
 6 "estate." the following: "For purposes of this
 7 subsection, property improvement loans and those
 8 loans secured by a first lien or a first claim upon
 9 real estate shall be considered real estate loans."

MICK LURA

S-5364

- 1 Amend House File 2351 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1 the following
 4 new section:
 5 "Section 1. Section 427.1, subsection 9, Code
 6 1981, is amended to read as follows:
 7 9. Property of religious, literary, and charitable
 8 societies. All grounds and buildings used or under
 9 construction by literary, scientific, charitable,
 10 benevolent, agricultural, and religious institutions
 11 and societies solely for their appropriate objects,
 12 not exceeding three hundred twenty acres in extent
 13 and not leased or otherwise used or under construction
 14 with a view to pecuniary profit. *However, an*
 15 *organization mentioned in this subsection whose primary*
 16 *objective is to preserve land in its natural state*
 17 *may own or lease land not exceeding three hundred*
 18 *twenty acres in each county for its appropriate*
 19 *objects.* All deeds or leases by which such property

20 is held shall be filed for record before the property
21 herein described shall be omitted from the assessment.
22 All such property shall be listed upon the tax rolls
23 of the district or districts in which it is located
24 and shall have ascribed to it an actual fair market
25 value and an assessed or taxable value, as contemplated
26 by section 441.21, whether such property be subject
27 to a levy or be exempted as herein provided and such
28 information shall be open to public inspection."

29 2. Page 4, line 19, by inserting after the word
30 "cover" the words "but does not include native prairies
31 meeting the criteria of the state conservation
32 commission".

33 3. Page 4, by inserting after line 28 the
34 following:

35 "*NEW SUBSECTION. NATIVE PRAIRIE.* Land designated
36 as native prairie by a county conservation board or
37 by the state conservation commission in an area not
38 served by a county conservation board. Application
39 for the exemption shall be made on forms provided
40 by the department of revenue. The application forms
41 shall be filed with the assessing authority not later
42 than the first of February of the year for which the
43 exemption is requested. The application must be
44 accompanied by an affidavit signed by the applicant
45 that if the exemption is granted, the property will
46 not be used for economic gain during the assessment
47 year in which the exemption is granted. If the
48 property is used for economic gain during the
49 assessment year in which the exemption is granted,
50 the property shall lose its tax exemption and shall

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1 be taxed at the rate levied by the county for the
2 fiscal year beginning in that assessment year. The
3 first annual application shall be accompanied by a
4 certificate from the county conservation board serving
5 the area in which the property is located or if none
6 exists, the state conservation commission stating
7 that the land is native prairie. The county
8 conservation board or the state conservation commission
9 shall issue the certificate if the board or commission
10 finds that the land has never been cultivated, is
11 unimproved, is primarily a mixture of warm season
12 grasses interspersed with flowering plants, and meets
13 the other criteria established by the state
14 conservation commission for native prairie. A taxpayer
15 may seek judicial review of a decision of a board

16 or the commission according to chapter 17A. The state
 17 conservation commission shall adopt rules to implement
 18 this subsection."

19 4. Page 4, by inserting after line 28 the
 20 following:

21 "NEW SUBSECTION. LAND CERTIFIED AS A WILDLIFE
 22 HABITAT. The owner of agricultural land may designate
 23 not more than two acres of the land for use as a
 24 wildlife habitat. After inspection, if the land meets
 25 the standards established by the commission for a
 26 wildlife habitat under section 110.3, the state
 27 conservation commission shall certify the designated
 28 land as a wildlife habitat and shall send a copy of
 29 the certification to the appropriate assessor. The
 30 commission may subsequently withdraw certification
 31 of the designated land if it fails to meet the
 32 established standards for a wildlife habitat and the
 33 assessor shall be given written notice of the
 34 decertification."

35 5. Title page, line 4, by inserting after the
 36 word "terraces" the words ", wildlife habitats, native
 37 prairies,".

38 6. Title page, line 4, by inserting after the
 39 word "prairies" the words ", increasing the amount
 40 of acres to be exempted for certain organizations,".

41 7. By numbering and renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
 ROLF V. CRAFT, Chair

S-5365

1 Amend House File 2111 as passed by the House, as
 2 follows:

3 1. Page 1, by striking lines 6 through 9 and
 4 inserting in lieu thereof the following: "*a period*
 5 *of confinement of not more than fifty years.*"

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chair

S-5366

1 Amend the amendment S-5341 to Senate File 2276 as
 2 follows:

3 1. Page 1, by inserting after line 7, the following:
 4 "4. Page 46, line 32, by striking the figure
 5 "534.17, 534.18," and inserting in lieu thereof the
 6 figure "534.17, subsections 1 and 3,".

ARNE WALDSTEIN

S-5367

- 1 Amend Senate File 2276 as follows:
 2 1. By striking page 1, line 31 through page 2,
 3 line 7.
 4 2. Page 2, by striking lines 28 through 34.
 5 3. By striking page 5, line 26 through page 6,
 6 line 3.
 7 4. By striking page 27, line 35 through page 28,
 8 line 8.
 9 5. Page 28, by striking line 18.
 10 6. Page 28, line 19, by striking the word "bank;".
 11 7. Page 28, line 23, by striking the figure and
 12 word "(7) in".
 13 8. Page 28, by striking lines 24 through 29 and
 14 inserting in lieu thereof the following: "(9) in
 15 demand,".
 16 9. By renumbering as necessary.

JOHN W. JENSEN

S-5368

- 1 Amend Senate File 2276 as follows:
 2 1. Page 5, by inserting after line 25 the
 3 following:
 4 "Sec. ____ *NEW SECTION. SERVICE CHARGES.*
 5 1. As used in this section, "payor financial
 6 institution" means a bank, savings and loan association
 7 or credit union that is authorized by law to offer
 8 and offers to a customer or member the privilege of
 9 withdrawing funds held in an account to the credit
 10 of that customer or member by means of a draft; and
 11 "draft" includes a check, negotiable or nonnegotiable
 12 order of withdrawal, share draft, or similar
 13 instrument.
 14 2. If a payor financial institution dishonors
 15 a draft drawn against the institution because of
 16 insufficient funds in the account against which the
 17 draft is drawn, the institution may collect from the
 18 account holder a service charge of which the account
 19 holder had prior notice and which does not exceed
 20 the greater of the amount prescribed as the current
 21 minimum hourly wage by the Fair Labor Standards Act
 22 of 1938, 29 U.S.C. sec. 206(a)(1), or one percent
 23 of the amount of the draft.
 24 3. Notwithstanding the limitations otherwise
 25 specified in subsection 2, if a payor financial
 26 institution establishes to the satisfaction of the
 27 agency of this state by which the institution is

28 regulated that the actual costs incurred by that
29 institution in processing dishonored drafts cannot
30 be recovered by the service charge authorized by
31 subsection 2, the regulatory agency may authorize
32 such greater charge for that institution as may be
33 necessary to allow the recovery of the actual costs
34 established for that institution.

35 4. A payor financial institution that collects
36 in connection with the dishonor of a draft any charge
37 in an amount or in a manner other than permitted by
38 this section shall be liable to the account holder
39 for the excess amount collected, plus a penalty of
40 one hundred dollars, plus attorney fees incurred in
41 collecting these damages."

42 2. By renumbering sections and correcting internal
43 references as necessary.

RICHARD COMITO
RICHARD F. DRAKE
GARY L. BAUGHER

S-5369

1 Amend Senate File 2280 as follows:

2 1. Page 3, line 27, by striking the words
3 "receiving agent or agency or county sheriff" and
4 inserting in lieu thereof the words "judicial district
5 department of correctional services".

6 2. Page 3, lines 30 and 31, by striking the words
7 "agent, agency, or county sheriff" and inserting in
8 lieu thereof the words "judicial district department
9 of correctional services".

10 3. Page 4, line 4, by striking the words "agent,
11 agency or county sheriff" and inserting in lieu thereof
12 the words "judicial district department of correctional
13 services".

14 4. Page 4, by striking lines 7 through 9 and
15 inserting in lieu thereof the following: "supervision
16 from one agent, agency, or judicial district department
17 of correctional services to another, the sending
18 agent, agency or judicial district department shall forward
19 to the receiving agent, agency, or judicial district
20 department,".

21 5. Page 4, line 14, by striking the words "county
22 sheriff" and inserting in lieu thereof the words
23 "judicial district department".

24 6. Page 5, line 23, by striking the word "sheriff"
25 and inserting in lieu thereof the words "judicial
26 district department of correctional services".

27 7. Page 5, line 32, by striking the words "county

28 sheriff" and inserting in lieu thereof the words
 29 "judicial district department of correctional
 30 services".
 31 8. Page 6, line 28, by striking the words "county
 32 sheriff" and inserting in lieu thereof the words
 33 "judicial district department of correctional
 34 services".
 35 9. Page 7, line 4, by striking the words "county
 36 sheriff" and inserting in lieu thereof the words
 37 "judicial district department of correctional
 38 services".
 39 10. Page 8, line 7, by striking the words "county
 40 sheriff" and inserting in lieu thereof the words
 41 "judicial district department of correctional
 42 services".

BOB CARR

S-5371

1 Amend Senate File 2239 as follows:
 2 1. Page 1, line 18, by inserting after the word
 3 "institutions" the words "*those events sponsored*
 4 *by a nonprofit corporation at which antique farm*
 5 *engines, farm tractors, or other farm machinery or*
 6 *equipment are shown, displayed, or operated.*"
 7 2. Title page, line 2, by inserting after the
 8 word "institutions" the words "*sponsored by a non-*
 9 *profit corporation at which antique farm machinery*
 10 *or equipment is shown, displayed, or operated.*"

ARTHUR L. GRATIAS

S-5372

1 Amend Senate File 2276 as follows:
 2 1. Page 43, by inserting after line 25 the
 3 following:
 4 "Sec. ____ Chapter 534, Code 1981, is amended
 5 by adding the following new section:
 6 **NEW SECTION. COMPARABILITY TO FEDERAL ASSOCIATIONS.**
 7 Notwithstanding any other provision of this chapter
 8 or any law of this state or regulation thereunder,
 9 an association shall not exercise any right, power,
 10 authority, privilege, exemption or immunity granted
 11 by or under authority of this Act except during periods
 12 of time when federally chartered savings and loan
 13 associations operating in this state are granted a
 14 similar right, power, authority, privilege, exemption
 15 or immunity by express federal statute law describing

16 the right, power, authority, privilege, exemption
 17 or immunity, and the state grant or authorization
 18 is subject to any rights and limitations imposed upon
 19 the federally chartered associations for the type
 20 of right, power, authority, privilege, exemption or
 21 immunity granted or authorized; provided, however,
 22 that this section does not apply to section 22, 33,
 23 35, 37, 38, 41, 42, 43, 44, 45 or 46 of this Act.”
 24 2. Renumber sections and correct references as
 25 necessary.

C.W. BILL HUTCHINS
 EMIL J. HUSAK
 MERLIN D. HULSE
 RICHARD F. DRAKE

S-5373

1 Amend amendment S-5180 to House File 2334 as passed
 2 by the House as follows:
 3 1. Page 2, line 4, by inserting after the word
 4 “properties,” the words “except as otherwise provided
 5 in this section,”
 6 2. Page 2, line 6, by inserting after the word
 7 “response.” the words “However, this section does
 8 not apply to an interest in a railroad right-of-way
 9 or other real property adjacent to it if such property
 10 is owned or has been abandoned by a railroad
 11 corporation or its trustee which railroad corporation
 12 is in reorganization or bankruptcy court on the
 13 effective date of this Act, is of a size which is
 14 larger than needed for railroad trackage, is suitable
 15 for use for agricultural purposes, and has no buildings
 16 or other structures located on it.”

C.W. BILL HUTCHINS

S-5374

1 Amend the amendment S-5372 to Senate File 2276
 2 as follows:
 3 1. Page 1, line 23, by inserting after the figure
 4 “38,” the figures “39, 40,”.

C.W. BILL HUTCHINS

S-5375

1 Amend amendment S-5344 to Senate File 2276 as
 2 follows:
 3 1. Page 1, line 16, by inserting after the word

4 "acquisition" the words "*either (i)*".
 5 2. Page 1, line 21, by inserting after the comma
 6 the words "*or (ii) the banks and savings and loan*
 7 *associations and credit unions so owned or controlled*
 8 *by that bank holding company and all other bank holding*
 9 *companies would have, in the aggregate, more than*
 10 *fifty percent of the total deposits, both time and*
 11 *demand, of all banks and savings and loan associations*
 12 *and credit unions in this state.*"

RICHARD COMITO

S-5376

1 Amend Senate File 2276 as follows:
 2 1. Page 39, by inserting after line 10 the
 3 following:
 4 "___ COMPETITION PRESERVED. A conversion of
 5 an association to a bank under this section shall
 6 not prevent the subsequent incorporation of another
 7 bank in the same community, and the superintendent
 8 of banking shall not find the existence of the bank
 9 resulting from the conversion to be grounds for
 10 disapproving the incorporation of another bank in
 11 the same community under section 524.305, subsection
 12 1, paragraph b or c. A conversion of an association
 13 to a bank under this section shall not prevent the
 14 subsequent incorporation of another association in
 15 the same community, and the supervisor shall not find
 16 the existence of the bank resulting from the conversion
 17 to be grounds for disapproving the incorporation of
 18 another association in the same community under this
 19 chapter."
 20 2. Page 42, by inserting after line 20 the
 21 following:
 22 "___ COMPETITION PRESERVED. A merger under this
 23 section shall not prevent the subsequent incorporation
 24 of another bank in the community in which the merged
 25 association is located, and the superintendent of
 26 banking shall not find the merger to be grounds for
 27 disapproving the incorporation of another bank in
 28 the same community under section 524.305, subsection
 29 1, paragraph b or c. A merger under this section
 30 shall not prevent the subsequent incorporation of
 31 another association in the community in which the
 32 merged association is located, and the supervisor
 33 shall not find the merger to be grounds for
 34 disapproving the incorporation of another association
 35 in the same community under this chapter."

BERL E. PRIEBE

S-5377

1 Amend amendment S-5344 to Senate File 2276, as
2 follows:

3 1. Page 1, by striking lines 9 through 26 and
4 inserting in lieu thereof the following:

5 "524.1802 LIMITATION. No bank holding company
6 shall directly or indirectly acquire ownership or
7 control of more than twenty-five percent of the voting
8 shares of any bank, or the power to control in any
9 manner the election of a majority of the directors
10 of any bank, if upon such acquisition the banks so
11 owned or controlled by the bank holding company would
12 have, in the aggregate, more than eight percent of
13 the total deposits, both time and demand, of all banks
14 in this state, as determined by the superintendent
15 on the basis of the most recent reports of the banks
16 in the state to their supervisory authorities which
17 are available at the time of the acquisition. *No*
18 *bank holding company shall directly or indirectly*
19 *acquire ownership or control of more than twenty-five*
20 *percent of the voting shares of any savings and loan*
21 *association, or the power to control in any manner*
22 *the election of a majority of the directors of any*
23 *savings and loan association, if upon such acquisition*
24 *the associations so owned or controlled by the bank*
25 *holding company would have, in the aggregate, more*
26 *than eight percent of the total deposits, both time*
27 *and demand, of all associations in this state, as*
28 *determined by the superintendent on the basis of the*
29 *most recent reports of the associations in the state*
30 *to their supervisory authorities which are available*
31 *at the time of the acquisition. No bank holding*
32 *company shall directly or indirectly acquire ownership*
33 *or control of more than twenty-five percent of the*
34 *voting shares of any credit union, or the power to*
35 *control in any manner the election of a majority of*
36 *the directors of any credit union, if upon such*
37 *acquisition the credits unions so owned or controlled*
38 *by the bank holding company would have, in the*
39 *aggregate, more than eight percent of the total*
40 *deposits, both time and demand, of all credit unions*
41 *in this state, as determined by the superintendent*
42 *on the basis of the most recent reports of the credit*
43 *unions in the state to their supervisory authorities*
44 *which are available at the time of the acquisition."*

MICK LURA

S-5378

1 Amend House File 2339 as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 4 through 7 and
4 inserting in lieu thereof the following: "sentencing
5 [for] following either a plea or verdict of guilty of
6 a class "A" felony, murder, felonious assault, sexual
7 abuse in the first degree, sexual abuse in the second
8 degree, sexual abuse in the third degree in violation
9 of section 709.4, subsection 1, kidnapping, robbery
10 in the first degree, arson in the first degree, or
11 burglary in the first degree.

12 2. A defendant appealing a conviction of a class
13 "A" felony, murder, felonious assault, sexual abuse
14 in the first degree, sexual abuse in the second degree,
15 sexual abuse in the third degree in violation of
16 section 709.4, subsection 1, kidnapping, robbery in
17 the first degree, arson in the first degree, or
18 burglary in the first degree."

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chair

S-5379

1 Amend Senate File 2243 as follows:

2 1. Page 1, by inserting after line 9, the following:
3 "b. The commission may require that the water
4 supply be pretreated for sulfate reduction if the
5 commission determines that to do so is necessary for
6 the lagoon's proper environmental operation."

PATRICK J. DELUHERY
JAMES V. GALLAGHER

S-5380

1 Amend amendment S-5372 to Senate File 2276 as
2 follows:

3 1. By striking lines 2 through 23 and inserting
4 in lieu thereof the following:

5 "1. Page 20, line 25, by striking the word "sub-
6 sections" and inserting in lieu thereof the word
7 "subsection".

8 2. Page 20, by inserting after line 32 the
9 following:

10 "Sec. ____ Section 534.41, Code 1981, is amended
11 by adding the following new subsection:"

12 3. Page 43, by inserting after line 25 the

13 following:

14 "Sec. ____ Chapter 534, Code 1981, is amended

15 by adding the following new section:

16 *NEW SECTION. LIMITATION ON POWERS.* An association
 17 or other corporation shall not have or exercise any
 18 right, power, authority, privilege, exemption, or
 19 immunity established by any of the provisions of
 20 section 16, subsection 11, 12, 13, and 14 of this
 21 Act, and sections 19, 21, 23 and 29 of this Act,
 22 except during those periods of time, if any, when
 23 federally chartered savings and loan associations
 24 operating in this state have been granted and can
 25 exercise a similar right, power, authority, privilege,
 26 exemption, or immunity under a federal statute or
 27 a rule or regulation adopted and in effect under a
 28 federal statute expressly describing the right, power,
 29 authority, privilege, exemption or immunity, and the
 30 right, power, authority, privilege, exemption, or
 31 immunity established by any of those Code provisions
 32 is subject to all conditions and limitations imposed
 33 upon federally chartered associations for the type
 34 of right, power, authority, privilege, exemption or
 35 immunity granted by the federal statute or federal
 36 rule or regulation. However, nothing contained in
 37 this section shall be construed as a prohibition or
 38 condition of or as a limitation upon any right, power,
 39 authority, privilege, exemption, or immunity granted
 40 to an association or other corporation by the laws
 41 of this state or by rules adopted thereunder as those
 42 laws existed prior to the effective date of this
 43 Act."'

C.W. BILL HUTCHINS
 EMIL J. HUSAK
 RICHARD F. DRAKE
 MERLIN D. HULSE

S-5381

1 Amend House File 861 as passed by the House, as
 2 follows:

3 1. Page 1, by inserting after line 20 the
 4 following:

5 "Sec. ____ Section 425.17, subsection 5, Code 1981,
 6 is amended to read as follows:

7 5. "Claimant" means a person filing a claim for
 8 credit or reimbursement under this division who has
 9 attained the age of sixty-five years on or before
 10 December 31 of the base year or who is a surviving
 11 spouse having attained the age of fifty-five years

12 on or before December 31 of the base year, or who
 13 is totally disabled and was totally disabled on or
 14 before December 31 of the base year, and was domiciled
 15 in this state during the entire base year and is
 16 domiciled in this state at the time the claim is filed
 17 *or at the time of the person's death in the case of*
 18 *a claim filed by the executor or administrator of*
 19 *the claimant's estate.* "Claimant" includes a vendee
 20 in possession under a contract for deed and may include
 21 one or more joint tenants or tenants in common. In
 22 the case of a claim for rent constituting property
 23 taxes paid, the claimant shall have rented the property
 24 during any part of the base year. If a homestead
 25 is occupied by two or more persons, and more than
 26 one person is able to qualify as a claimant, the
 27 persons may determine among them who will be the
 28 claimant. If they are unable to agree, the matter
 29 shall be referred to the director of revenue not later
 30 than October 31 of each year and the director's
 31 decision shall be final.

32 Sec.____ Section 425.18, Code 1981, is amended
 33 to read as follows:

34 425.18 [CLAIM IS PERSONAL] *RIGHT TO FILE A CLAIM.*

35 The right to file a claim *for credit* under this
 36 division [shall be] *is* personal to the claimant and
 37 [shall] *does* not survive the claimant's death, but the
 38 right may be exercised on behalf of a claimant by
 39 [his or her] *the claimant's* legal guardian, spouse or
 40 attorney. *The right to file a claim for reimbursement*
 41 *under this division may be exercised by the claimant*
 42 *or on behalf of a claimant by the claimant's legal*
 43 *guardian, spouse, or attorney, or by the executor*
 44 *or administrator of the claimant's estate.* If a
 45 claimant dies after having filed a claim for
 46 reimbursement for rent constituting property taxes
 47 paid, the amount of the reimbursement may be paid
 48 to another member of the household as determined by
 49 the director. If the claimant was the only member
 50 of the household, the reimbursement may be paid to

Page 2

1 the claimant's executor or administrator, but if
 2 neither is appointed and qualified within one year
 3 from the date of the filing of the claim, the
 4 reimbursement shall escheat to the state. If a
 5 claimant dies after having filed a claim for credit
 6 for property taxes due, the amount of credit shall
 7 be paid as if the claimant had not died."

- 8 2. Title page, line 2, by inserting after the
 9 word "claiming" the words "and authorize an executor
 10 or administrator of an estate to file a claim for".
 11 3. By numbering and renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
 ROLF V. CRAFT, Chair

S-5382

- 1 Amend House File 2360, as passed by the House,
 2 as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. Chapter 135D, Code 1981, is amended
 6 by adding the following new section:
 7 *NEW SECTION. WILDERNESS CAMPSITES.* The rules
 8 issued under this chapter which require the providing
 9 of water supply, sewage disposal, and garbage disposal
 10 to each lot of a mobile home park do not apply if
 11 the park is a recreational mobile home park which
 12 features a primitive setting and does not offer any
 13 other utility service to each lot."
 14 2. Title page, by striking lines 1 and 2 and
 15 inserting in lieu thereof the words "An Act to exempt
 16 wilderness campsites from the requirements of the
 17 department of health to furnish water, garbage, and
 18 sewage disposal facilities."

COMMITTEE ON HUMAN RESOURCES
 JULIA GENTLEMAN, Chair

S-5383

- 1 Amend House File 2398 as amended and passed by
 2 the House as follows:
 3 1. Page 1, line 3, by striking the word "twenty"
 4 and inserting in lieu thereof the word "five".

COMMITTEE ON NATURAL RESOURCES
 FORREST V. SCHWENGELS, Chair

S-5384

- 1 Amend House File 2373 as passed by the House as
 2 follows:
 3 1. Page 1, line 33, by striking the word
 4 "Seventy-second" and inserting in lieu thereof the
 5 word "Seventieth".
 6 2. Page 1, line 33, by striking the figure "1987"

- 7 and inserting in lieu thereof the figure "1983".
 8 3. Page 1, line 35, by striking the word and
 9 figure "July 1" and inserting in lieu thereof the
 10 words and figures "[July 1] March 15".
 11 4. Page 1, line 35, by striking the figure "1987"
 12 and inserting in lieu thereof the figure "1983".
 13 5. Page 1, line 35, by striking the word "determination"
 14 and inserting in lieu thereof the word "[determination]".
 15 6. Page 2, line 1, by striking the words "concerning
 16 the status and duties of the council" and inserting in
 17 lieu thereof the words "[concerning the status and duties
 18 of the council] *recommendation for the transfer of*
 19 *necessary services to other agencies*".
 20 7. Page 2, line 5, by striking the figures "[1983] 1988"
 21 and inserting in lieu thereof the figure "1983".

EDGAR H. HOLDEN

S-5385

- 1 Amend Senate File 2233 as follows:
 2 1. By striking page 124, line 17 through page
 3 128, line 28 and inserting in lieu thereof the
 4 following:
 5 "Sec. 10078. Chapter 331, division IV, part 2,
 6 Code 1981 Supplement, is amended by adding the
 7 following new section:
 8 **NEW SECTION. JOINT COUNTY INDIGENT DEFENSE FUND.**
 9 1. Two or more counties may execute an agreement
 10 under chapter 28E to create a joint county indigent
 11 defense fund to be used to compensate attorneys
 12 appointed to represent indigents under section 331.778
 13 when funds budgeted for that purpose are exhausted.
 14 In addition to other requirements of an agreement
 15 under chapter 28E, the agreement shall provide for
 16 the amount to be paid by each county based on its
 17 population to establish and maintain an appropriate
 18 balance in the joint fund and for a method of repayment
 19 if a county withdraws more funds than it has
 20 contributed.
 21 2. The amount to be paid by each county under
 22 the agreement may be paid from property taxes levied
 23 or from any other funds available to the county for
 24 that purpose.
 25 3. This section takes effect July 1 following
 26 its enactment.
 27 Sec. 10079. Section 331.422, Code 1981 Supplement,
 28 is amended by adding the following new subsection
 29 after subsection 24 and renumbering the remaining
 30 subsections:

31 *NEW SUBSECTION.* For a joint county indigent defense
32 fund, an amount sufficient to make its per capita
33 payment to the fund or to repay excess funds withdrawn
34 from the fund as provided in a joint agreement executed
35 under chapter 28E.

36 This subsection takes effect July 1 following its
37 enactment."

38 2. Page 143, line 7, by inserting after the number
39 "10078," the number "10079,".

40 3. By renumbering sections and correcting internal
41 references as necessary.

FORREST V. SCHWENGELS

S-5386

1 Amend House File 2411 as passed by the House, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section 280A.38, Code 1981, is amended
6 to read as follows:

7 280A.38 LEASE AGREEMENTS FOR SPACE. The board
8 of directors may, with the approval of the state
9 board, enter into lease agreements, with or without
10 purchase options, not to exceed twenty years in
11 duration, for the leasing or rental of buildings for
12 use basically as classrooms, laboratories, shops,
13 libraries and study halls for vocational school or
14 community college purposes, and pay for the same with
15 funds acquired pursuant to section 280A.17, section
16 280A.18, and section 280A.22. *However, lease*
17 *agreements extending for less than ten years and for*
18 *less than twenty-five thousand dollars per year need*
19 *not be submitted to the state board for approval.*

20 [Such] *The* agreements may include the leasing of
21 existing buildings on public or private property,
22 buildings to be constructed upon real estate owned
23 by the area school, or buildings to be placed upon
24 real estate owned by the area school.

25 Before entering into a lease agreement with a
26 purchase option for a building to be constructed,
27 or placed, upon real estate owned by the area school,
28 the board shall first adopt plans and specifications
29 for the proposed building which it considers suitable
30 for the intended use, and the board shall also adopt
31 the proposed terms of the lease agreement and purchase
32 option. Upon obtaining the approval of the state
33 board, *if state board approval is required,* the board
34 shall invite bids thereon, by advertisement published

35 once each week for two consecutive weeks in the county
 36 where the building is to be located. [Such] *The lease*
 37 agreement shall be awarded to the lowest responsible
 38 bidder, or the board may reject all bids and
 39 readvertise for new bids."

COMMITTEE ON EDUCATION
 ARTHUR L. GRATIAS, Chair

HOUSE AMENDMENT TO SENATE FILE 2252

S—5387

1 Amend Senate File 2252, as follows:
 2 1. Page 1, by striking lines 14 through 16, and
 3 inserting in lieu thereof the following: "shall
 4 submit a copy of the audit to the director. A licensed
 5 substance abuse program is also subject to special
 6 audits as the director requests. *The licensed*
 7 *substance abuse program*".

S-5388

1 Amend amendment S-5180 to House File 2334 as passed
 2 by the House as follows:
 3 1. Page 2, line 4, by inserting after the word
 4 "properties," the words "except as otherwise provided
 5 in this section,".
 6 2. Page 2, line 6, by inserting after the word
 7 "response." the words "However, this section does
 8 not apply to an interest in real property adjacent
 9 to a railroad right-of-way if such property is owned
 10 or has been abandoned by a railroad corporation or
 11 its trustee which railroad corporation is in
 12 reorganization or bankruptcy court on the effective
 13 date of this Act, and is of a size which is larger
 14 than needed for railroad trackage, is suitable for
 15 use for agricultural purposes, and has no buildings
 16 or other structures located on it."

C.W. BILL HUTCHINS

S-5389

1 Amend the Carney et al. amendment, S-5353, to
 2 Senate File 2273 as follows:

DIVISION S—5389B

3 1. Page 1, by striking line 4 through page 2,

4 line 31 and inserting in lieu thereof the following:

5 "Section 1. Section 96.3, subsection 4, Code 1981,
6 is amended by adding the following new unnumbered
7 paragraph:

8 *NEW UNNUMBERED PARAGRAPH.* Notwithstanding the
9 annual recomputation of the statewide average weekly
10 wage required by this subsection, the maximum weekly
11 benefit amounts effective for benefit claims filed
12 during the period beginning July 5, 1981, and ending
13 July 3, 1982, shall be effective for benefit claims
14 filed during the period beginning July 4, 1982 and
15 ending July 2, 1983.

DIVISION S—5389C

16 Sec. 2. Section 96.5, Code 1981, is amended by
17 adding the following new subsection:

18 *NEW SUBSECTION. SEASONAL EMPLOYMENT.* If a seasonal
19 worker is unemployed for any week during the month
20 of January, February, or March. As used in this
21 subsection, "seasonal worker" means an individual
22 whose base period wages are more than seventy-five
23 percent attributable to a seasonal employer, and
24 "seasonal employer" means an employer in an industry
25 which customarily lays off forty percent or more of
26 its workers for at least twelve consecutive weeks
27 during a regularly recurring period of each year
28 because of the seasonal nature of the industry and
29 the high degree of impracticability or impossibility
30 of continuing the operations of the industry throughout
31 the entire year.

DIVISION S—5389A

32 Sec. 3. Section 96.7, subsections 15 and 16, Code
33 1981, are amended by striking the subsections and
34 inserting in lieu thereof the following:

35 15. *TEMPORARY EMERGENCY TAX.* The department shall
36 collect a temporary emergency tax of one percent on
37 taxable wages for the four calendar quarters beginning
38 April 1, 1982, and ending March 31, 1983, retroactive
39 to April 1, 1982. The tax shall apply to all employers
40 except government entities, nonprofit organizations,
41 and employers assigned a zero contribution rate for
42 the applicable calendar quarter. The director shall
43 prescribe the manner in which the tax will be
44 collected. Interest shall accrue on all unpaid tax
45 under this subsection at the same rate as on regular
46 contributions and shall be collectible in the same

47 manner. The tax shall not affect the computation
48 of regular contributions under this chapter.
49 If the department determines that the unemployment
50 compensation trust funds available for the payment

Page 2

DIVISION S—5389A (cont'd.)

1 of benefits are adequate to pay all benefits for
2 calendar years 1982 and 1983, that all advance moneys
3 received from the federal government for the payment
4 of unemployment compensation benefits have been repaid,
5 and that all interest accruing from the advancement
6 of the moneys has been paid, the department may sus-
7 pend the collection of the temporary emergency tax
8 for one or more of the four calendar quarters and
9 may reimburse employers for any or all of the tax
10 paid or credit future employer contribution
11 liabilities.

12 A special fund to be known as the temporary
13 emergency tax fund is created in the state treasury.
14 The special fund is separate and distinct from the
15 unemployment compensation trust fund. Ninety percent
16 of all contributions collected from the temporary
17 emergency tax shall be deposited in a distinct account
18 in the special fund and shall be used only to repay
19 advance moneys received from the federal government
20 for the payment of unemployment compensation benefits.
21 Ten percent of all contributions collected from the
22 temporary emergency tax shall be deposited in a
23 distinct account in the special fund and shall be
24 used only to pay interest accruing from the advancement
25 of the moneys. Any balance in the special fund on
26 June 30, 1983, shall be transferred by the treasurer
27 of state to the unemployment compensation trust fund
28 established in section 96.9, unless the department
29 determines that the transfer should not be made because
30 of immediate obligations to be met from the special
31 fund.

32 Sec. 4. Section 96.19, subsection 21, Code 1981,
33 is amended to read as follows:

34 21. "COMPUTATION DATE". The computation date
35 for contribution rates shall be July 1 of that calendar
36 year preceding the calendar year with respect to which
37 such rates are to be effective. [If the total trust
38 funds available for payment of unemployment
39 compensation benefits through April 1, 1978, is
40 projected to fall below twenty million dollars, the

41 director of the Iowa department of job service shall
42 prepare and adopt such procedures for advance payment
43 of a portion of the employer's unemployment
44 contributions projected due for the first quarter
45 of the calendar year beginning January 1, 1978.]"

GEORGE R. KINLEY

S-5390

1 Amend the amendment, S-5353, to Senate File 2273,
2 as follows:
3 1. Page 1, by inserting after line 43 the
4 following:
5 "Notwithstanding any provision of this subsection
6 to the contrary, the temporary emergency tax
7 established in this subsection shall not be collected
8 for any calendar quarter of 1983 if the total
9 unemployment compensation trust funds available for
10 the payment of benefits are at least twenty million
11 dollars on June 30, 1982."

BERL E. PRIEBE

S-5391

1 Amend House File 2218 as amended, passed and
2 reprinted by the House, as follows:

DIVISION S—5391A

3 1. Page 1, line 22, by striking the word "*February*"
4 and inserting in lieu thereof the word "*March*".
5 2. Page 1, line 32, by striking the word "*February*"
6 and inserting in lieu thereof the word "*March*".
7 3. Page 2, line 5, by striking the word "*February*"
8 and inserting in lieu thereof the word "*March*".

DIVISION S—5391B

9 4. Page 4, by inserting after line 3 the following:
10 "3. This Act does not apply to any cemetery that
11 maintains a bond that is issued by a surety company
12 authorized to do business in this state and that is
13 conditioned upon the faithful performance by the
14 cemetery of agreements that otherwise are subject
15 to this chapter."

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chair

S-5392

1 Amend House File 2059, as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 2, line 1, by adding after the figures
4 "1, 1981." the words "An amount of alcohol equaling
5 three percent or more shall be used to reach the
6 octane level necessary to meet the A.S.T.M.D-2699
7 research method and the A.S.T.M. D-2700 motor method
8 of octane for each grade of gasoline."

JOHN W. JENSEN

S-5393

1 Amend the amendment, S-5353, to Senate File 2273,
2 as follows:
3 1. Page 1, by striking lines 7 through 33 and
4 inserting in lieu thereof the following:
5 "15. TEMPORARY EMERGENCY TAX. If on the first
6 day of June or September, 1983, the department has
7 an outstanding balance of interest accrued on advance
8 moneys received from the federal government for the
9 payment of unemployment compensation benefits, or
10 is projected to have an outstanding balance of accruing
11 federal interest for either the second or third
12 calendar quarter of 1983, the director shall collect
13 a temporary emergency tax for the second or third
14 calendar quarter in 1983, or for both calendar
15 quarters, retroactive to the beginning of either or
16 both calendar quarters. The tax shall be set at the
17 rate necessary to pay the interest accrued on the
18 moneys advanced to the department by the federal
19 government, and to pay any additional federal interest
20 which will accrue for the remainder of either or both
21 calendar quarters. However, the tax shall not be
22 greater than two-tenths of one percent of taxable
23 wages for either or both calendar quarters. The tax
24 shall apply to all employers except government
25 entities, nonprofit organizations, and employers
26 assigned a zero contribution rate for calendar year
27 1983. The director shall prescribe the manner in
28 which the tax will be collected. Interest shall
29 accrue on all unpaid tax under this subsection at
30 the same rate as on regular contributions and shall
31 be collectible in the same manner. The tax shall
32 not affect the computation of regular contributions
33 under this chapter."

BERL E. PRIEBE

S-5394

1 Amend the amendment, S-5353, to Senate File 2273,
2 as follows:
3 1. Page 1, by inserting after line 43 the
4 following:
5 "Notwithstanding any provision of this subsection
6 to the contrary, the temporary emergency tax
7 established in this subsection shall not be collected
8 for any calendar quarter of 1983 if the balance of
9 the general fund of the state is at least twenty
10 million dollars on June 30, 1982. There is
11 appropriated from the general fund of the state for
12 the fiscal year beginning July 1, 1982, and ending
13 June 30, 1983, to the department of job service funds
14 sufficient to pay interest accruing on advance moneys
15 received from the federal government for the payment
16 of unemployment compensation benefits."

BERL E. PRIEBE

S-5395

1 Amend House File 2351 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 14 through 17 and
4 inserting in lieu thereof the words "the previous
5 fiscal year, unless the amount of acreage granted
6 exemptions for the previous fiscal year equaled the
7 limitation for that year, then the limitation for
8 the subsequent fiscal year is the limitation for the
9 previous fiscal year plus an increase, not to exceed
10 three hundred acres, of ten percent of that limitation.
11 However, the board".

EMIL J. HUSAK
RAY TAYLOR
ROLF V. CRAFT

S-5396

1 Amend House File 2398 as amended and passed by
2 the House as follows:
3 1. Page 1, by inserting after line 15 the
4 following:
5 "Sec. 4. Section 109.131, Code 1981, is amended
6 to read as follows:
7 109.131 JUDGMENT-EXECUTION. In each case of
8 conviction of unlawfully taking, catching, killing,
9 injuring, destroying or having in possession any *fish*,

10 game or fur-bearing animal, the court shall enter
 11 a judgment in favor of the state of Iowa for liquidated
 12 damages in an amount as provided in section 109.130,
 13 and it shall be the duty of the state conservation
 14 commission and the prosecuting attorney or attorney
 15 general, to collect the liquidated damages by execution
 16 or otherwise. If two or more persons who have acted
 17 together are convicted of the unlawful taking,
 18 catching, killing, injuring, destroying or having
 19 possession of any fish, game or fur-bearing animal,
 20 the judgment shall be entered against them jointly.
 21 Any liquidated damages received under this section
 22 and section 109.130 shall be remitted to the treasurer
 23 of state who shall credit such damages to the state
 24 fish and game protection fund.

25 The return of any uninjured fish, game or fur-
 26 bearing animal which has been unlawfully taken, caught,
 27 or possessed, to the place where taken or caught or
 28 to any other place approved by the state conservation
 29 commission, shall constitute the discharge of any
 30 liquidated damages provided under section 109.130.

31 Civil suits for the collection of judgments may
 32 be prosecuted by the attorney general or by county
 33 attorneys."

FORREST V. SCHWENGELS

S-5397

1 Amend amendment S-5289 to Senate File 2233 as
 2 follows:

3 1. Page 1, by striking lines 39 and 40 and
 4 inserting in lieu thereof the words "thirty-eight
 5 million, eight hundred eight thousand eighty dollars."

JOHN S. MURRAY

S-5398

1 Amend Senate File 2233 as follows:

2 1. Page 124, by inserting after line 16 the
 3 following:

4 "Sec. 11111. Chapter 331, division IV, part 2,
 5 Code 1981 Supplement, is amended by adding the
 6 following new section:

7 **NEW SECTION. JOINT COUNTY INDIGENT DEFENSE FUND.**

8 1. Two or more counties may execute an agreement
 9 under chapter 28E to create a joint county indigent
 10 defense fund to be used to compensate attorneys
 11 appointed to represent indigents under section 331.778

12 when funds budgeted for that purpose are exhausted,
 13 and so long as counties are required by state law
 14 to pay compensation to those attorneys. In addition
 15 to other requirements of an agreement under chapter
 16 28E, the agreement shall provide for the amount to
 17 be paid by each county based on its population to
 18 establish and maintain an appropriate balance in the
 19 joint fund and for a method of repayment if a county
 20 withdraws more funds than it has contributed.

21 2. The amount to be paid by each county under
 22 the agreement may be paid from property taxes levied
 23 or from any other funds available to the county for
 24 that purpose.

25 3. This section takes effect July 1 following
 26 its enactment.

27 Sec. 22222. Section 331.422, Code 1981 Supplement,
 28 is amended by adding the following new subsection
 29 after subsection 24 and renumbering the remaining
 30 subsections:

31 *NEW SUBSECTION.* For a joint county indigent defense
 32 fund, an amount sufficient to make its per capita
 33 payment to the fund or to repay excess funds withdrawn
 34 from the fund as provided in a joint agreement executed
 35 under chapter 28E for the purposes specified in section
 36 11111 of this Act.

37 This subsection takes effect July 1 following its
 38 enactment."

39 2. Page 143, line 6, by inserting after the word
 40 "sections" the numbers "11111, 22222,".

41 3. By renumbering sections and correcting internal
 42 references as necessary.

FORREST V. SCHWENGELS

S-5399

1 Amend Senate File 2233 as follows:

2 1. By striking page 135, line 23 through page
 3 136, line 13, and inserting in lieu thereof the
 4 following:

5 "Adair, .0031; Adams, .0022; Allamakee, .0052;
 6 Appanoose, .0059; Audubon, .0033; Benton, .0081; Black
 7 Hawk, .0563; Boone, .0080; Bremer, .0053; Buchanan,
 8 .0086; Buena Vista, .0055; Butler, .0047; Calhoun,
 9 .0041; Carroll, .0083; Cass, .0046; Cedar, .0076;
 10 Cerro Gordo, .0126; Cherokee, .0047; Chickasaw, .0052;
 11 Clarke, .0037; Clay, .0052; Clayton, .0063; Clinton,
 12 .0193; Crawford, .0052; Dallas, .0103; Davis, .0030;
 13 Decatur, .0033; Delaware, .0048; Des Moines, .0231;
 14 Dickinson, .0056; Dubuque, .0297; Emmet, .0047;

15 Fayette, .0097; Floyd, .0061; Franklin, .0047; Fremont,
 16 .0042; Greene, .0042; Grundy, .0045; Guthrie, .0043;
 17 Hamilton, .0061; Hancock, .0050; Hardin, .0077;
 18 Harrison, .0050; Henry, .0073; Howard, .0038; Humboldt,
 19 .0041; Ida, .0033; Iowa, .0053; Jackson, .0071; Jasper,
 20 .0108; Jefferson, .0055; Johnson, .0251; Jones, .0064;
 21 Keokuk, .0036; Kossuth, .0049; Lee, .0153; Linn,
 22 .0618; Louisa, .0037; Lucas, .0039; Lyon, .0040;
 23 Madison, .0042; Mahaska, .0070; Marion, .0059;
 24 Marshall, .0142; Mills, .0049; Mitchell, .0044; Monona,
 25 .0042; Monroe, .0039; Montgomery, .0042; Muscatine,
 26 .0120; O'Brien, .0058; Osceola, .0032; Page, .0044;
 27 Palo Alto, .0042; Plymouth, .0065; Pocahontas, .0053;
 28 Polk, .1285; Pottawattamie, .0323; Poweshiek, .0058;
 29 Ringgold, .0025; Sac, .0052; Scott, .0408; Shelby,
 30 .0045; Sioux, .0056; Story, .0214; Tama, .0076; Taylor,
 31 .0026; Union, .0083; Van Buren, .0036; Wapello, .0121;
 32 Warren, .0086; Washington, .0066; Wayne, .0032;
 33 Webster, .0142; Winnebago, .0043; Winneshiek, .0064;
 34 Woodbury, .0487; Worth, .0033; and Wright, .0045."

JOHN W. JENSEN

S-5400

1 Amend amendment S-5354 to Senate File 2233 as
 2 follows:
 3 1. Page 6, by striking lines 38 and 39 and
 4 inserting in lieu thereof the words "thirty-eight
 5 million, eight hundred eight thousand eighty dollars."

JOHN W. JENSEN

S-5401

1 Amend Senate File 2230 as follows:
 2 1. Page 1, by inserting after line 18 the
 3 following:
 4 "Sec. ____ Chapter 642, Code 1981, is amended
 5 by adding the following new section:
 6 *NEW SECTION. PROHIBITION ON WAGE GARNISHMENT-*
 7 *EXCEPTIONS. An employee's earnings are not subject*
 8 *to garnishment except as provided for alimony and*
 9 *child support in sections 627.11 and 627.12, and then*
 10 *subject to the limits in 15 U.S.C. sec. 1673 (b)(2)."*
 11 2. By renumbering as necessary.

WILLIAM D. PALMER

S-5402

1 Amend Senate File 2230 as follows:

- 2 1. Page 1, by inserting after line 18 the
3 following:
4 "Sec. ____ Chapter 642, Code 1981, is amended
5 by adding the following new section:
6 *NEW SECTION. PROHIBITION ON WAGE GARNISHMENT--*
7 *EXCEPTIONS. Except for alimony and child support*
8 *as provided under sections 627.11 and 627.12, an*
9 *employee's earnings are not subject to garnishment*
10 *for a debt unless, at the time the debt was incurred,*
11 *the employer agreed in writing to accept garnishment*
12 *if the debt became the basis of a money judgment."*
13 2. Renumber as necessary.

WILLIAM D. PALMER

S-5403

- 1 Amend Senate File 2230 as follows:
2 1. By striking all after the enacting clause and
3 inserting in lieu thereof the following:
4 "Section 1. Section 642.21, subsection 1, Code
5 1981, is amended to read as follows:
6 1. The disposable earnings of an individual [shall
7 be] *are* exempt from garnishment to the extent provided
8 by the federal Consumer Credit Protection Act, Title
9 III, 15 U.S.C. secs. 1671-1677 (1976). *The term*
10 *"Consumer Protection Act" means the Act of Congress*
11 *approved May 29, 1968, 82 Stat. 163, officially cited*
12 *as the "Consumer Credit Protection Act, Title III."*
13 *The maximum amount of an employee's earnings which*
14 *may be garnished during any one calendar year is [two*
15 *hundred fifty] five hundred dollars for each judgment*
16 *creditor, except as provided in section 627.12."*

WILLIAM D. PALMER

S-5404

- 1 Amend House File 2437 as amended, passed, and
2 reprinted by the House as follows:

DIVISION S—5404A

- 3 1. Page 1, line 10, by striking the word "may"
4 and inserting in lieu thereof the word "shall".
5 2. Page 1, line 14, by striking the word "may"
6 and inserting in lieu thereof the word "shall".
7 3. Page 2, line 9, by inserting after the word
8 "board" the words "or may contract with a delegate
9 agency".
10 4. Page 2, line 10, by inserting after the word
11 "board" the words "or delegate agency board".

- 12 5. Page 2, line 11, by inserting after the words
 13 "advisory board" the words "or delegate agency board".
 14 6. Page 2, line 17, by inserting after the words
 15 "governing board" the words ", delegate agency board,".
 16 7. Page 3, line 1, by inserting after the word
 17 "agency" the words "or delegate agency".
 18 8. Page 4, line 11, by striking the word "may"
 19 and inserting in lieu thereof the word "shall".

DIVISION S—5404B

- 20 9. Page 4, line 19, by striking the word
 21 "delegate".

DIVISION S—5404A (cont'd.)

- 22 10. Page 5, by inserting after line 5, the
 23 following:
 24 "Sec. 12. *NEW SECTION. REPEAL AND REVIEW.*
 25 Sections 2 through 11 of this Act are repealed
 26 effective July 1, 1984. The second session of the
 27 Seventieth General Assembly meeting in the year 1984
 28 shall review the activities and performance of the
 29 actions of the office for planning and programming
 30 relating to the policy and purpose of this Act and
 31 shall not later than July 1, 1984 make a determination
 32 concerning the status and duties of the department."

COMMITTEE ON HUMAN RESOURCES
 JULIA B. GENTLEMAN, Chair

HOUSE AMENDMENT TO SENATE FILE 2231**S-5405**

- 1 Amend Senate File 2231, as follows:
 2 1. Page 1, line 5, by striking the word ", teams,"
 3 and inserting in lieu thereof the following: "[, teams,]
 4 and".
 5 2. Page 1, line 11, by inserting after the word
 6 "owned" the word "by".
 7 3. Page 1, by inserting after line 15 the
 8 following:
 9 "Sec. ____ Section 321.377, Code 1981, is amended
 10 to read as follows:
 11 321.377 SPEED OF SCHOOL BUS. No motor vehicle
 12 in use as a school bus shall be operated at a speed
 13 in excess of fifty-five miles per hour on any fully
 14 controlled-access, divided, multilane highways,
 15 interstate highways or on any four-lane primary

16 highway. When not in operation on an interstate
 17 highway system or on any four-laned primary highway,
 18 the maximum speed for a school bus shall be fifty
 19 miles per hour [when used for purposes of an educational
 20 trip or for transporting pupils to and from any
 21 extracurricular activity, and forty-five miles per
 22 hour at all other times. Any violation of this
 23 section, by a driver, shall be deemed sufficient cause
 24 for canceling his contract. For the purpose of this
 25 section, interstate highways means those highways
 26 included in the national system of interstate highways
 27 designated by the federal highway administration and
 28 this state].”

29 4. Page 1, line 20, by striking the word “operated”
 30 and inserting in lieu thereof the word “owned”.

31 5. Title page, by striking lines 1 through 3 and
 32 inserting in lieu thereof the following: “An Act
 33 relating to the operation of certain motor vehicles
 34 on the public highways.”

S-5406

1 Amend the Holden amendment S-5088 to House File 764
 2 as amended, passed and reprinted by the House as
 3 follows:

4 1. Page 1, by striking line 5, and inserting in lieu
 5 thereof the following: “sidewalks. *An abutting*
 6 *property owner shall only be liable for the failure*
 7 *to use reasonable care in the removal of natural*
 8 *accumulations of snow and ice from the sidewalks and*
 9 *shall not otherwise be liable under this paragraph.”.*

ARTHUR A. SMALL, JR.

S-5407

1 Amend House File 2355, as passed by the House,
 2 as follows:

3 1. Page 1, line 14, by inserting after the word
 4 “but” the words “not to exceed four officers per
 5 corporation and”.

TED ANDERSON

S-5408

1 Amend Senate File 2237 as follows:

2 1. Page 1, by striking lines 23 through 25.

RICHARD COMITO

S-5409

- 1 Amend House File 2457 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 10 the
 4 following:
 5 "Sec. ____ Section 321.236, Code 1981, is amended
 6 by adding the following new subsection:
 7 *NEW SUBSECTION.* Enforcing a city ordinance
 8 requiring alternate side parking during periods of
 9 snow removal. In order for the ordinance to be
 10 effective, signs giving notice of the ordinance shall
 11 be posted on primary roads not part of the national
 12 interstate highway system at or near their points
 13 of intersection with the corporate limits of the city,
 14 and on exit ramps of interstate highways within the
 15 corporate limits of the city. The signs shall read
 16 "ALTERNATE SIDE PARKING REQUIRED DURING
 SNOW REMOVAL."
 17 2. Renumber sections as necessary.

CLARENCE CARNEY
 DONALD V. DOYLE

S-5410

- 1 Amend House File 2218 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 523A.1, Code 1981, is amended
 6 to read as follows:
 7 523A.1 TRUST FUND ESTABLISHED.
 8 1. Whenever an agreement is made by any person,
 9 firm or corporation for the final disposition of a
 10 dead human body wherein delivery of personal property
 11 to be used under a prearranged funeral plan or the
 12 furnishing of professional services of a funeral
 13 director or embalmer in connection therewith, is not
 14 immediately required, [eighty percent of all payments
 15 made under the agreement] *the amount specified in*
 16 *subsection 2*, including interest thereon, shall be
 17 and remain trust funds until occurrence of the death
 18 of the person for whose benefit the funds were paid,
 19 unless said funds are sooner released to the person
 20 making such payment by mutual consent of the parties.
 21 2. *The amount to be held in trust under subsection*
 22 *1 is equal to the sum of the following:*
 23 a. *The contract price of funeral services to be*
 24 *delivered under the agreement.*

- 25 *b. The adjusted wholesale cost of funeral*
26 *merchandise to be delivered under the agreement.*
27 3. For purposes of subsection 2, "adjusted
28 *wholesale cost" means the wholesale cost of the funeral*
29 *merchandise as of the date of execution of the*
30 *agreement, provided that each year after the date*
31 *of execution of the agreement the seller shall deposit*
32 *an additional amount into trust equal to the increase*
33 *in the wholesale price of the funeral merchandise*
34 *during the previous year."*
35 2. By renumbering sections.

CHARLES P. MILLER

S-5411

- 1 Amend House File 2218 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 20 the
4 following:
5 "Sec. ____ Chapter 523A, Code 1981, is amended
6 by adding the following new section:
7 *NEW SECTION. SURETY BOND.*
8 1. The seller under contracts that are subject
9 to the trust requirements of this chapter shall
10 maintain a bond in the principal sum of twenty-five
11 thousand dollars that is issued by a corporate surety
12 company authorized to transact business in Iowa, and
13 in favor of the state of Iowa.
14 2. The bond required by subsection 1 shall be
15 held exclusively for the benefit of buyers under the
16 contracts who may be damaged by the failure of the
17 seller or the seller's employees or agents to comply
18 with the requirements of this chapter. The aggregate
19 liability of the surety for all breaches of the
20 conditions of the bond shall not exceed the principal
21 sum of the bond."

CHARLES P. MILLER

S-5412

- 1 Amend House File 800 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking line 5 and inserting in
4 lieu thereof the words "include a program for regular
5 rental inspections *which provides for inspections*
6 *at five-year intervals, rental*".
7 2. Page 1, lines 7 and 8, by striking the words
8 "*may include a program for regular rental inspections,*

9 and" and inserting in lieu thereof thereof the word
10 "[, and]".

11 3. Title page, line 2, by striking the words
12 "making it optional to include" and inserting in lieu
13 thereof the words "requiring inspections at five-year
14 intervals under".

TED ANDERSON

HOUSE AMENDMENT TO SENATE FILE 312

S-5413

1 Amend Senate File 312 as amended and passed by
2 the Senate as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 441.21, subsection 13,
6 paragraph b, Code 1981, is amended to read as follows:

7 b. Notwithstanding paragraph "a" of this
8 subsection, any construction or installation of [a
9 solar energy system or] gas production systems using
10 waste or manure to produce gas completed on property
11 classified as agricultural, residential, commercial,
12 or industrial property shall not increase the actual,
13 assessed and taxable values of [such] *the* property for
14 assessment years beginning on January 1, 1979 and
15 ending on or before December 31, 1985. *In addition,*
16 *notwithstanding paragraph a of this subsection, any*
17 *construction or installation of a solar energy system*
18 *on property so classified shall not increase the*
19 *actual, assessed and taxable values of the property*
20 *for five full assessment years."*

21 2. Page 1, line 10, by inserting after the word
22 "use" the words and figures "which is constructed
23 or installed after January 1, 1978".

24 3. Page 1, line 14, by inserting after the word
25 "energy" the words and figures "which is constructed
26 or installed after January 1, 1981".

27 4. Page 1, lines 23 and 24, by striking the words
28 and figures "ending on December 31, 1985 and".

29 5. Renumber as necessary.

30 6. Title page, by striking lines 4 and 5 and
31 inserting in lieu thereof the following: "designated
32 assessment years, and making certain provisions of
33 the Act retroactive."

HOUSE AMENDMENT TO SENATE FILE 537

S-5414

1 Amend Senate File 537 as follows:

- 2 1. Page 1, by striking lines 7 through 18.
 3 2. Page 2, by striking line 2 and inserting in
 4 lieu thereof the following:
 5 "Sec. ____ Section 141.4 and chapter 596, Code
 6 1981, are repealed."

HOUSE AMENDMENT TO SENATE FILE 26

S-5415

- 1 Amend Senate File 26 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking line 6 and inserting in
 4 lieu thereof the following: "321.264, or 321.372,
 5 the officer may request any owner of the motor".

HOUSE AMENDMENT TO SENATE FILE 260

S-5416

- 1 Amend Senate File 260, as passed by the Senate,
 2 as follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "sections" the figure "321.193,".
 5 2. Page 1, line 7, by inserting after the figure
 6 "321.513," the figures "321.560, 321A.6,".

S-5417

- 1 Amend the Holden amendment S-5088 to House File 764
 2 as amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 1, by striking line 5, and inserting in lieu
 5 thereof the following: "sidewalks. *An abutting*
 6 *property owner may be liable for the failure to use*
 7 *reasonable care in the removal of natural accumulations*
 8 *of snow and ice from the sidewalks and shall not*
 9 *otherwise be liable under this paragraph.*"

ARTHUR A. SMALL, JR.

HOUSE AMENDMENT TO SENATE FILE 2046

S-5418

- 1 Amend Senate File 2046 as passed by the Senate,
 2 as follows:
 3 1. Page 2, line 7, by striking the words "facility
 4 or".

HOUSE AMENDMENT TO SENATE FILE 367

S-5419

1 Amend Senate File 367 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 7, by inserting after the word
4 "money" the words "or other compensation".

5 2. Page 1, line 11, by inserting after the word
6 "money" the words "or other compensation".

7 3. Page 1, line 14, by inserting after the word
8 "money" the words "or other compensation".

9 4. Page 1, by striking lines 16 through 20 and
10 inserting in lieu thereof the following: "the victim,
11 who recovers a money judgment against the person or
12 the person's representatives. Notwithstanding section
13 614.1, a victim or the victim's representative who
14 has a cause of action for a crime for which an escrow
15 account or receivership is established pursuant to
16 this section, may bring the action against the escrow
17 account or against the property in receivership within
18 five years of the date the escrow account is
19 established.

20 When the nature of the compensation to the person
21 initially convicted of the crime is such that it
22 cannot be placed in an escrow account, the attorney
23 general shall assume the powers of a receiver under
24 chapter 680 in taking charge of the property for
25 benefit of and payable to any victim or representative
26 of the victim. In those instances, the date the
27 attorney general assumed the power of a receiver,
28 shall be considered the date an escrow account was
29 established for purposes of this section."

30 5. Page 1, by striking lines 21 through 27 and
31 inserting in lieu thereof the following:

32 "2. Once an escrow account or receivership is
33 established, the attorney general shall make reasonable
34 efforts to notify victims and representatives of
35 victims of the escrow account or receivership and
36 their possible rights under this section. The
37 reasonable efforts shall include but are not limited
38 to mailing the notification to known victims or
39 representatives of known victims. The cost of
40 notification shall be paid from the escrow account
41 or from the sale of property held in receivership."

42 6. Page 1, line 30, by inserting after the words
43 "from the" the words "date of".

44 7. Page 2, line 1, by inserting after the word
45 "account" the words "or property held in receivership".

- 46 8. Page 2, line 3, by inserting after the word
47 "money" the words "or other property".
48 9. Title page, line 1, by inserting, after the
49 word "money" the words "or other compensation".

HOUSE AMENDMENT TO SENATE FILE 2216

S-5420

- 1 Amend Senate File 2216 as passed by the Senate,
2 as follows:
3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:
5 "Section 1. Chapter 7A, Code 1981, is amended
6 by adding sections 2 through 4 of this Act.
7 Sec. 2. *NEW SECTION. GOVERNOR'S YOUTH CORPS*
8 *ESTABLISHED.* A governor's youth corps is established
9 in this state. The objectives of the youth corps
10 are to provide meaningful and productive public service
11 jobs for youth, assist youth in securing unsubsidized
12 employment, and develop opportunities for youth to
13 engage in volunteer community service activities.
14 The general assembly intends that participation in
15 the youth corps will provide youth with an opportunity
16 to explore careers, gain needed work experience, and
17 contribute to the general welfare of their communities
18 and state. The youth corps shall provide the following
19 programs:
20 1. A public service employment program for
21 disadvantaged and handicapped youth attending school.
22 2. A summer employment program for youth of all
23 economic classifications.
24 3. A youth volunteer program.
25 Sec. 3. *NEW SECTION. ADMINISTRATION.* The office
26 for planning and programming shall administer the
27 governor's youth corps and shall adopt rules governing
28 its operation and eligibility for participation.
29 The programs of the governor's youth corps shall be
30 open to both sexes. A person must be at least fourteen
31 years of age and not older than nineteen years six
32 months at the time of enrollment to receive wages
33 or stipends through the youth corps. The office for
34 planning and programming shall submit an annual report
35 to the general assembly on the governor's youth corps
36 by January 15 of each year.
37 Sec. 4. *NEW SECTION. EMPHASIS AND CONTRIBUTIONS.*
38 The governor's youth corps shall give emphasis in
39 its employment and volunteer programs to projects
40 related to soil conservation, land management, energy

41 savings, community improvement activities, economic
42 development, and work benefiting human service
43 programs. The office for planning and programming
44 may require participating nonprofit private or public
45 agencies operating a youth corps project to contribute
46 at least thirty-five percent of the total project
47 budget. The contribution may be in the form of cash
48 or services.

49 Sec. 5. Section 7A.3, Code 1981, is amended by
50 striking the section and inserting in lieu thereof

Page 2

1 the following:

2 7A.3 PRIMARY RESPONSIBILITY. The primary
3 responsibility of the office for planning and
4 programming is to coordinate the development of state
5 and local government programs in order to promote
6 efficient and economic use of federal, state, local,
7 and private resources. To carry out this
8 responsibility, the office shall:

9 1. Provide technical and financial assistance
10 to local and regional government organizations in
11 Iowa, analyze intergovernmental relations in Iowa,
12 and recommend policies to state agencies, local
13 governments, the governor, and the general assembly.

14 2. Provide coordination of state policy planning,
15 management of interagency programs of the state, and
16 recommend policies to the governor and the general
17 assembly.

18 3. Maintain and make available demographic and
19 other information useful for state and local planning.

20 4. Prepare and submit economic reports appraising
21 the economic condition, growth and development of
22 the state.

23 5. Analyze the quality and quantity of services
24 required for the orderly growth of the state, taking
25 into consideration the relationship of activities,
26 capabilities, and future plans of private enterprise,
27 the local, state and federal governments, and regional
28 units established under any state or federal
29 legislation, and make recommendations to the governor
30 and the general assembly for the establishment and
31 improvement of such services.

32 6. Apply for, receive, administer, and use federal
33 or other funds available for achieving the purposes
34 of this chapter.

35 7. Inquire into methods of planning and program
36 development, and the conduct of affairs of state

37 government; prescribe adequate systems of records
38 for planning and programming; establish standards
39 for effective planning and programming; and exercise
40 all other powers necessary in discharging the powers
41 and duties of this chapter.

42 8. Analyze the relationship of federal and private
43 aid programs to state and locally financed programs
44 and make recommendations to state agencies, local
45 governments, the governor, and the general assembly
46 on means of avoiding duplication of activity and of
47 increasing efficiency.

48 9. Carry out any other duties consistent with
49 this chapter as directed by the governor or the general
50 assembly.

Page 3

1 Sec. 6. Section 103A.4, Code 1981, is amended
2 to read as follows:
3 103A.4. COMMISSIONER. The [director of the division
4 of municipal affairs, in the office for planning and
5 programming shall] *commissioner of public safety*, in
6 addition to [his] other duties, *shall serve as the state*
7 *building code commissioner[,]* or may designate a building
8 code commissioner.

9 Sec. 7. Section 249B.19, Code 1981, is amended
10 to read as follows:

11 249B.19 ALLOCATION OF FUNDS. All funds
12 appropriated to the commission from the general fund
13 for the elderly care program shall be allocated
14 initially to the area agencies on aging on the basis
15 of population over sixty-five years of age, double-
16 weighted for the low income population over sixty-
17 five years of age. Area agencies on aging may apply
18 for grants of funds not to exceed the amount allocated
19 to the area by this method. Area agency on aging
20 applications shall consist of grant requests from
21 local, public and private organizations recommended
22 and [prioritized] *given priority ranking* by the area
23 agency to the commission based upon area wide needs
24 assessment for elderly low income Iowans and
25 compatability with the comprehensive aging plan for
26 the area. The interagency co-ordinating committee
27 shall review the grant applications of area agencies
28 on aging and make recommendations to the commission
29 regarding the awarding of grants to area agencies
30 on aging. The commission shall have final
31 responsibility for awarding grants to the area agencies
32 on aging. The funds allocated to area agencies on

33 the basis of population and income and not granted
 34 by the commission to the area agencies by December
 35 1 and the funds granted by the commission to the area
 36 agencies by December 1 which the commission determines
 37 will not be expended during the fiscal year shall
 38 be considered excess funds and shall be transferred
 39 to a reallocation pool. The reallocation pool shall
 40 be reallocated to area agencies on aging by a method
 41 recommended by the interagency co-ordinating committee
 42 and approved by the commission. Area agencies on
 43 aging may apply for grants of funds from the
 44 reallocation pool. The interagency co-ordinating
 45 committee shall review these applications and make
 46 recommendations to the commission regarding the
 47 awarding of reallocation grants. The commission [shall
 48 have] *has* final authority for awarding reallocation
 49 grants. Excess funds not reallocated or granted by
 50 January 31 may be transferred to the [office for

Page 4

1 planning and programming] *energy policy council* to
 2 be used to assist the low income elderly in the payment
 3 of winter utility bills.
 4 Sec. 8. Section 7A.7, Code 1981, is repealed.
 5 Sec. 9. PRIOR ACTIONS. A rule adopted, permit
 6 or order issued, or approval given under chapter 103A
 7 before the effective date of this Act, by the director
 8 of the division of municipal affairs or the director's
 9 designated state building code commissioner, and
 10 effective immediately prior to the effective date
 11 of this Act, remains effective until modified or
 12 rescinded by action of the commissioner of public
 13 safety or the commissioner's designated state building
 14 code commissioner as provided in chapter 103A.
 15 Sec. 10. TRANSFER OF EMPLOYEES.
 16 1. The employees of the division of municipal
 17 affairs of the office for planning and programming
 18 who are employed in the administration of the state
 19 building code are transferred to the department of
 20 public safety. However, an employee of the division
 21 of municipal affairs whose duty assignment will be
 22 terminated because of section 6 of this Act may be
 23 reassigned to other duties or may be transferred to
 24 the department of public safety. An employee shall
 25 not lose benefits, including but not limited to salary,
 26 retirement, vacation, or sick leave because of
 27 reassignment or transfer provided in this section.
 28 2. The records, equipment, and other property

29 used in the administration of the state building code
30 by the division of municipal affairs are transferred
31 to the department of public safety.

32 Sec. 11. TRANSITION TO MERIT SYSTEM.

33 1. An employee transferred to the department of
34 public safety under section 10 of this Act who holds
35 a position covered by chapter 19A as of the effective
36 date of this Act, and who has held the position or
37 another position covered by chapter 19A for six months
38 or more preceding the effective date of this Act,
39 shall be given permanent appointment in the merit
40 system in either of the following cases:

41 a. If the employee is certified by the director
42 of the Iowa merit employment department as having
43 met the minimum qualifications established for the
44 classification of the position held and the employee
45 is recommended by the appointing authority as having
46 given satisfactory service during the prior period
47 of employment.

48 b. If the employee does not meet the minimum
49 qualifications established for the classification
50 of the position held but is recommended by the

Page 5

1 appointing authority as having given satisfactory
2 service during the prior period of service and is
3 certified by the director of the Iowa merit employment
4 department as having passed a qualifying examination
5 for the position.

6 2. An employee transferred to the department of
7 public safety under section 10 of this Act, who holds
8 a position covered by chapter 19A as of the effective
9 date of this Act, and who fails to obtain permanent
10 status by either of the options provided in paragraphs
11 a and b of subsection 1 or who has been employed for
12 less than six months before the effective date of
13 this Act, may apply for the position held or any other
14 position covered by chapter 19A through the qualifying
15 and examining procedures established under chapter
16 19A and may be appointed to the position on a
17 noncompetitive basis.

18 3. This section does not preclude the
19 reclassification or reallocation of a position held
20 by an incumbent as provided in chapter 19A."

21 2. Amend the title, by striking lines 1 through
22 3 and inserting in lieu thereof the following: "An
23 Act relating to the duties of the office for planning
24 and programming."

S-5421

- 1 Amend House File 2111 as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 17 the
4 following:
5 "Sec. ____ Section 710.2, unnumbered paragraph
6 1, Code 1981, is amended to read as follows:
7 Kidnapping is kidnapping in the first degree when
8 the person kidnapped, as a consequence of the
9 kidnapping, suffers serious injury, or is intentionally
10 subjected to torture [or sexual abuse]."
11 2. Title Page, line 1, by striking the word
12 "murder" and inserting in lieu thereof the words
13 "criminal penalties".
14 3. Title Page, line 3, by inserting after the
15 word "degree" the words "and kidnapping when the
16 person kidnapped is subjected to sexual abuse".
17 4. By renumbering to conform to this amendment.

TED ANDERSON

S-5422

- 1 Amend Senate File 2275 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section 279.10, Code 1981, is amended
5 to read as follows:
6 279.10 SCHOOL YEAR.
7 1. The school year shall begin on the first of
8 July and each school regularly established shall
9 continue for at least thirty-six weeks of five school
10 days each, *except as provided in subsection 2*, and
11 may be maintained during the entire calendar year.
12 2. *The board of directors may adopt a schedule*
13 *of days in which school will be in session for a*
14 *school year that provides an equivalent school year,*
15 *but the number of weeks and the number of days per*
16 *week that school is in session may be more or less*
17 *than that specified in subsection 1. For the purpose*
18 *of this subsection, school is in session when pupils*
19 *are engaged in school projects and activities and*
20 *are under the guidance and instruction of teachers.*
21 *If the board adopts a schedule for the school year*
22 *under this subsection, the board shall file with the*
23 *department of public instruction, not later than*
24 *September 1 of each school year, a copy of the school*
25 *year schedule adopted by the board and a listing of*
26 *the savings and goals to be attained under the*

27 *schedule. Not later than June 30 of the school year,*
 28 *the board shall file with the department an evaluation*
 29 *of the program's savings and impacts on the educational*
 30 *program in the district.*

31 Sec. 2. For the school years beginning July 1,
 32 1982 and July 1, 1983, the board of a school district
 33 with a certified enrollment of three hundred or fewer
 34 pupils for the school year may adopt a schedule for
 35 the school year in the manner provided in section
 36 1, subsection 2, of this Act.

37 Sec. 3. Section 1 of this Act takes effect July
 38 1, 1984."

JOE BROWN
 RAY TAYLOR

S-5423

1 Amend the amendment S-5088 to House File 764 as
 2 amended, passed and reprinted by the House as follows:

3 1. Page 1, by striking lines 6 through 8, and
 4 inserting in lieu thereof the following:
 5 "2. Page 1, by striking lines 33 through 35 and
 6 inserting in lieu thereof the following: "same manner
 7 as a property tax. *Failure of a city under this*
 8 *paragraph to perform the action required by an abutting*
 9 *property owner shall not impose liability upon the city.*"

ARTHUR A. SMALL, JR.

S-5424

1 Amend House File 2344 as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 11 through 18 and
 4 inserting in lieu thereof the following: "recklessness.
 5 *For purposes of this section, if a volunteer fire*
 6 *fighter, a volunteer operator or attendant of an*
 7 *ambulance or rescue squad service, a volunteer*
 8 *paramedic, or a volunteer emergency medical technician*
 9 *receives nominal compensation not based upon the value*
 10 *of the services performed, that person shall be*
 11 *considered to be receiving no compensation. The*
 12 *operation of a motor vehicle in compliance with section*
 13 *321.231 by a volunteer fire fighter, volunteer operator*
 14 *or attendant of an ambulance or rescue squad service,*
 15 *a volunteer paramedic, or volunteer emergency medical*
 16 *technician shall be considered rendering emergency*
 17 *care or assistance for purposes of this section."*

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chair

S-5425

- 1 Amend House File 764 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 13, by striking the word "abutting"
4 and inserting in lieu thereof the word "[abutting]".
5 2. Page 1, line 16, by striking the word "abutting".
6 3. Page 1, line 19, by striking the word "abutting"
7 and inserting in lieu thereof the word "[abutting]".
8 4. Page 1, line 25, by striking the word "abutting"
9 and inserting in lieu thereof the word "[abutting]".
10 5. Page 1, line 27, by striking the word "abutting".
11 6. Page 1, line 29, by striking the word "abutting"
12 and inserting in lieu thereof the word "[abutting]".
13 7. Page 1, line 32, by striking the word "abutting"
14 and inserting in lieu thereof the word "[abutting]".
15 8. Page 1, line 34, by striking the word "abutting".

RICHARD COMITO

S-5426

- 1 Amend House File 2351 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 28 the
4 following:
5 "Sec. ____ Section 441.21, subsection 1, paragraphs
6 e and f, Code 1981, are amended to read as follows:
7 e. The actual value of agricultural property shall
8 be determined on the basis of productivity and net
9 earning capacity of the property [determined on the
10 basis of its use] *as used for agricultural purposes*
11 *capitalized at a rate of seven percent and applied*
12 *uniformly among counties and among classes of property.*
13 *If the formula or method to be used to determine the*
14 *actual value of agricultural land contains a provision*
15 *for or is based in part upon the ability of the land*
16 *to produce crops, the board of supervisors may provide*
17 *an alternative method of determining the actual value*
18 *of agricultural property by determining the*
19 *productivity and net earning capacity of the property*
20 *based upon the average actual crop yield of*
21 *agricultural land in the county for the past five*
22 *years and not upon the potential crop yield of*
23 *agricultural land in the area or county for future*
24 *years. To provide for this alternative method of*
25 *determining actual value of agricultural property,*
26 *the board of supervisors shall enact an ordinance*
27 *allowing such method by November 1 preceding the*
28 *assessment year for which this alternative method*

29 of determining actual value will first be allowed.
 30 This ordinance shall be effective for five consecutive
 31 assessment years or until a substantive change is
 32 made in the formula or method used to determine actual
 33 value, whichever is the sooner. The board of
 34 supervisors may continue allowing this alternative
 35 method of determining actual value of agricultural
 36 property for additional periods as provided in this
 37 paragraph by reenacting the ordinance allowing such
 38 method by November 1 preceding the assessment year
 39 for which it will apply.

40 f. In counties or townships in which field work
 41 on a modern soil survey has been completed since
 42 January 1, 1949, the assessor and the department of
 43 revenue shall place emphasis upon the results of such
 44 survey in determining the productive and earning
 45 capacity of such agricultural property *except as may*
 46 *be provided pursuant to paragraph e.*"

47 2. Title page, line 4, by inserting after the
 48 word "prairies" the words ", providing an alternative
 49 method for assessing agricultural land on the basis
 50 of productivity and net earning capacity,".

CALVIN O. HULTMAN

S-5427

1 Amend Senate File 2098 as follows:
 2 1. Page 1, by striking line 11 and inserting in
 3 lieu thereof the following: "to the auditor of state.
 4 The report, in a form".
 5 2. Page 6, line 2, by striking the word "twenty-
 6 one" and inserting in lieu thereof the word "eighteen".
 7 3. Page 6, line 5, by striking the word "ten"
 8 and inserting in lieu thereof the word "nine".
 9 4. Page 6, line 28, by striking the word "twenty-
 10 one" and inserting in lieu thereof the word "eighteen".
 11 5. Page 6, line 31, by striking the word "ten"
 12 and inserting in lieu thereof the word "nine".
 13 6. Page 7, line 6, by striking the word "twenty-
 14 one" and inserting in lieu thereof the word "eighteen".
 15 7. Page 7, line 8, by striking the word "ten"
 16 and inserting in lieu thereof the word "nine".
 17 8. Page 7, line 13, by striking the word "twenty-
 18 one" and inserting in lieu thereof the word "eighteen".
 19 9. Page 7, line 16, by striking the word "ten"
 20 and inserting in lieu thereof the word "nine".
 21 10. Page 8, line 5, by striking the word "ten"
 22 and inserting in lieu thereof the word "nine".
 23 11. Page 15, by inserting after line 12 the

24 following:

25 "Sec. 16. *NEW SECTION.* 321.432. COUNTY
26 CONSERVATION CAPITAL FUND. Provision shall be made
27 for a special county conservation capital fund which
28 shall serve as a depository of gifts, grants, or
29 donations to the county conservation board.

30 Such funds may be carried from year to year and
31 allowed to accumulate until such time that appropriate
32 capital investment can be made at the discretion of
33 the county conservation board. Under this provision,
34 the county conservation board may accept property
35 donated for conservation purposes.

36 A comprehensive report of all receipts,
37 expenditures, and assets shall be reported to the
38 county auditor each year."

39 12. Page 16, by striking line 32 and inserting
40 in lieu thereof the following: "The proposed budget,
41 in the form prescribed by".

42 13. Page 17, by striking line 22 and inserting
43 in lieu thereof the following: "the budget published
44 under subsection 3 of this section".

45 14. Page 18, by striking lines 6 through 9 and
46 inserting in lieu thereof the following: "as provided
47 in section 331.437 of this Act."

48 15. Page 26, by striking lines 28 and 29 and
49 inserting in lieu thereof the following: "subsections
50 1, 2, and 4. [Gifts, contributions and bequests of

Page 2

1 money and rent] *Rent*, licenses, fees, charges, and
2 other revenue".

3 16. By renumbering sections and correcting internal
4 references as necessary.

COMMITTEE ON COUNTY GOVERNMENT
JAMES E. BRILES, Chair

HOUSE AMENDMENT TO SENATE FILE 396

S-5428

1 Amend Senate File 396 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 1 the following:
4 "As used in this section, "subdivide" means dividing
5 of land into two or more parcels."

6 2. Page 2, by striking line 7 and inserting in
7 lieu thereof the following:

8 "Sec. ____ Section 409.1, Code 1981, is amended
 9 by adding the following new unnumbered paragraph:
 10 *NEW UNNUMBERED PARAGRAPH.* A lot resulting from
 11 an act of subdivision otherwise subject to the
 12 requirements of this section is exempt from those
 13 requirements where all of the following conditions
 14 exist:

- 15 1. The parcel being subdivided has been improved
 16 by a group of structures capable of use for dwelling,
 17 commercial, manufacturing, processing or agricultural
 18 purposes, independently of any other group of
 19 structures on the parcel capable of one of those uses.
- 20 2. Both groups of structures were in existence
 21 on the land, or construction of them was begun on
 22 the land before July 1, 1976.
- 23 3. The act of subdivision causes the inclusion
 24 of any of the groups of structures on the lot.
 25 Upon request by a proprietor, the county assessor
 26 shall certify that a particular group of structures
 27 was in existence on the land, or construction of them
 28 was begun on the land before July 1, 1976. As used
 29 in this paragraph, "group" and "groups" includes one
 30 or more structures.

31 Sec. ____ *NEW SECTION. APPLICABILITY.* Sections
 32 1 through 3 of this Act apply".
 33 2. Renumber as necessary.

HOUSE AMENDMENT TO SENATE FILE 558

S-5429

1 Amend Senate File 558, as amended, passed and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 18 through 21, and
 4 inserting in lieu thereof the following: "*nearest*
 5 *even whole dollar.*"
- 6 2. Title page, line 1, by striking the words
 7 "authorize the county treasurer" and inserting in
 8 lieu thereof "require the county auditor".

HOUSE AMENDMENT TO SENATE FILE 2100

S-5430

1 Amend Senate File 2100, as amended, passed and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, line 21, by inserting after the word
 4 "*materials*" the words "*subject to federal minimum*
 5 *limits of liability*".

- 6 2. Page 1, line 29, by inserting after the word
7 "materials" the words "*subject to federal minimum*
8 *limits of liability*".
- 9 3. Page 2, line 14, by inserting after the word
10 "materials" the words "*subject to federal minimum*
11 *limits of liability*".
- 12 4. Page 2, line 22, by inserting after the word
13 "materials" the words "*subject to federal minimum*
14 *limits of liability*".
- 15 5. Page 3, line 7, by inserting after the word
16 "materials" the words "*subject to federal minimum*
17 *limits of liability*".
- 18 6. Page 3, line 15, by inserting after the word
19 "materials" the words "*subject to federal minimum*
20 *limits of liability*".
- 21 7. Page 3, line 34, by inserting after the word
22 "hire" the words "*subject to federal minimum limits*
23 *of liability*".

S-5431

- 1 Amend House File 2426, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 21, line 4, by inserting after the word
4 "judges" the words "*or magistrates*".
- 5 2. Page 21, line 7, by inserting after the figure
6 "229.20" the words and figure "*and section 229.22*".
- 7 3. Page 21, line 9, by inserting after the word
8 "judges" the words "*or magistrates*".
- 9 4. Page 22, line 2, by inserting after the word
10 "court" the words "*or magistrates*".
- 11 5. Page 22, line 4, by inserting after the word
12 "initiated." the words and figure "*If an emergency*
13 *hospitalization proceeding is initiated under section*
14 *229.22 a judicial hospitalization referee may perform*
15 *the duties imposed upon a magistrate by that section.*"

BOB RUSH

S-5432

- 1 Amend amendment S-5350 to House File 2437 as
2 amended, passed and reprinted by the House, as follows:
3 1. Page 1, line 5, by striking the word "delegate".

JOHN S. MURRAY

S-5433

- 1 Amend House File 2218 as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 20 the
4 following:

5 "Sec. ____ Chapter 523A, Code 1981, is amended
6 by adding the following new section:

7 *NEW SECTION. EXEMPT TRANSACTIONS.* Prearranged
8 agreements which are covered by the right of rescission
9 under Title 15 United States Code, Consumer Credit
10 Protection Act or right of rescission under Chapter
11 82 Code of Iowa Door to Door Sales are hereby exempt."

JOE BROWN

S-5434

1 Amend the Committee on State Government amendment,
2 S-5391, to House File 2218 as amended, passed, and
3 reprinted by the House, as follows:

4 1. By striking lines 9 through 15 and inserting
5 in lieu thereof the following:

6 "4. Page 3, by striking line 30 and inserting
7 in lieu thereof the words "perpetual care or
8 maintenance."

9 5. Page 4, by striking lines 2 and 3 and inserting
10 in lieu thereof the word "property."

11 6. Page 4, by striking lines 6 through 20 and
12 inserting in lieu thereof the following:

13 "*NEW SECTION. COMPLIANCE WITH OTHER LAWS.* The
14 seller of funeral services or funeral merchandise
15 shall comply with chapter 82 with respect to all
16 contracts that are subject to regulation under this
17 chapter. A failure to comply is subject to the
18 remedies and penalties provided in that chapter.

19 Sec. ____ Chapter 523A, Code 1981, is amended
20 by adding the following new section:

21 *NEW SECTION. BOND IN LIEU OF TRUST FUND.*

22 1. In lieu of the trust fund required by sections
23 523A.1 and 523A.2, a seller may file with the county
24 attorney of the county in which the seller maintains
25 its principal place of business a bond issued by a
26 surety company authorized to do business in this state
27 and conditioned on the faithful performance by the
28 seller of agreements subject to this chapter. A bond
29 shall not be canceled by the surety company until
30 at least sixty days after a notice of proposed
31 cancellation given by restricted certified mail is
32 received by the county attorney. A notice shall be
33 given to the county attorney in the same manner if
34 the bond is canceled. The liability of the surety
35 company shall cover all agreements subject to this

36 chapter made by the seller during the time the bond
37 is in force.

38 2. Section 523A.2, subsection 1, paragraphs b
39 and f, subsection 5, and, to the extent it is
40 applicable, subsection 6, apply to sellers and
41 agreements subject to this section.

42 3. Upon receiving a notice of proposed
43 cancellation, the county attorney shall notify the
44 seller that upon cancellation of the bond the seller
45 becomes subject to all of this chapter including the
46 penalty in section 523A.2, subsection 6, for all
47 agreements subject to this chapter.

48 4. Upon receiving a notice of cancellation, unless
49 the seller has complied with sections 523A.1 and
50 523A.2, the county attorney is entitled to an

Page 2

1 injunction to prohibit the seller from making further
2 agreements subject to this chapter and an action to
3 attach and levy execution upon property of the seller
4 when the seller fails to perform an agreement subject
5 to this chapter, to the extent necessary to secure
6 compliance with this chapter, and may bring criminal
7 charges under section 523A.2, subsection 6.

8 Sec. ____ Section 82.1, Code 1981, is amended
9 by adding the following new subsection:

10 *NEW SUBSECTION.* "Door-to-door sale" also means
11 a sale of funeral services or funeral merchandise
12 regulated under chapter 523A, irrespective of the
13 place or manner of sale."

14 7. By renumbering as necessary."

RICHARD F. DRAKE
WILLIAM D. PALMER

S-5435

1 Amend House File 2218 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 4, line 3, by striking the words "and
4 monuments" and inserting in lieu thereof the words
5 "monuments, and burial vaults".

JOE BROWN

S-5436

1 Amend House File 2218 as amended, passed and
2 reprinted by the House, as follows:

AMENDMENTS FILED

1813

3 1. Page 3, by inserting after line 21 the
4 following:
5 "This chapter does not apply to sales by cemeteries
6 wherein the personal property is to be actually
7 delivered or installed at cemeteries when requested
8 by the purchaser. This provision shall only apply
9 if included in the original contract."

JOE BROWN

S-5437

1 Amend House File 2218 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 3 the following:
4 "3. This chapter does not apply to the sale of
5 any personal property by a person who is subject to
6 chapter 566 or 566A."

CHARLES P. MILLER

S-5438

1 Amend the amendment, S-5361 to House File 2405 as
2 follows:
3 1. Page 1, line 26, by inserting after the word
4 "*husbandry*" the words "*unless the vehicle is equipped*
5 *with brakes on at least two wheels*".

CHARLES P. MILLER

S-5439

1 Amend House File 764 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by inserting after line 3 the following:
4 "*g. If a city owns the abutting property it shall*
5 *remove snow, ice, and accumulations from the sidewalks.*"

ARTHUR A. SMALL, JR.

HOUSE AMENDMENT TO SENATE FILE 2192

S-5440

1 Amend Senate File 2192 as passed by the Senate
2 as follows:
3 1. Page 1, by striking lines 6 and 7 and inserting
4 in lieu thereof the following:
5 "(1) [Three members] *One member shall represent*
6 *agriculture and [the] one member shall represent*

7 manufacturing [and construction industries,
8 respectively].”
9 2. Page 1, line 32, by striking the word
10 “MAINTENANCE” and inserting in lieu thereof the word
11 “[MAINTENANCE]”.

HOUSE AMENDMENT TO SENATE FILE 2232

S-5441

1 Amend Senate File 2232 as passed by the Senate,
2 as follows:
3 1. Page 1, line 7, by inserting after the word
4 “custody.” the words “However, a peace officer, jailer,
5 or employee of a penal or correctional facility may
6 purchase inmate made items at an art or craft sale
7 or show, but only when the items are offered for sale
8 to the public and the price paid for the item is the
9 same price offered to any other prospective purchaser.”

S-5442

1 Amend House File 2357 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 12 the
4 following:
5 “Sec. ____ Section 400.11, unnumbered paragraph
6 3, Code 1981, is amended to read as follows:
7 Except where [such] *the* preferred list exists, persons
8 on the certified eligible list for promotion shall
9 hold preference for promotion two years following
10 the date of certification, *except for certified*
11 *eligible lists of firemen as defined in section 411.1,*
12 *subsection 3, which lists shall hold preference for*
13 *three years, after which [said] the lists shall be*
14 *canceled and [no] promotion to [such] the grade shall*
15 *not be made until a new list has been certified*
16 *eligible for promotion.”*
17 2. By renumbering as necessary.

SUE YENGER
JAMES D. WELLS
FORREST V. SCHWENGELS
C.W. BILL HUTCHINS
DALE L. TIEDEN
ARNE WALDSTEIN

HOUSE AMENDMENT TO SENATE FILE 2186

S-5443

1 Amend Senate File 2186, as follows:

2 1. Page 1, by striking lines 6 through 12 and
3 inserting in lieu thereof the following:

4 "[Appointments shall be made only from the list
5 of eligible candidates provided by the director of
6 revenue. The list of eligible candidates shall contain
7 only the names of those persons who achieve a score
8 of seventy percent or greater on the examination
9 administered by the director of revenue] *Each*
10 *appointment shall be made from either the list of*
11 *eligible candidates provided by the director of*
12 *revenue, which shall contain only the names of those*
13 *persons who achieve a score of seventy percent or*
14 *greater on the examination administered by the director*
15 *of revenue, or the list of candidates eligible for*
16 *appointment as city or county assessor. Examinations*
17 *for".*

S-5444

1 Amend House File 800 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, line 5, by inserting after the word
4 "rental" the word "*housing*".

5 2. Page 1, line 8, by inserting after the word
6 "rental" the word "*housing*".

EDGAR H. HOLDEN

S-5445

1 Amend House Concurrent Resolution 6 as passed by
2 the House as follows:

3 1. Page 1, by striking lines 1 through 18, and
4 inserting in lieu thereof the following:

5 WHEREAS, in the first portion of *Wison et al. v.*
6 *Omaha Indian Tribe* federal law imposed a discriminatory
7 burden of proof upon Iowa claimants; and

8 WHEREAS, in the portion of this case remaining
9 to be tried, the Omaha Indian Tribe claims land which
10 was never within the area of their reservation and
11 the Iowa claimants have titles which trace back to
12 state and federal patents; and

13 WHEREAS, the Iowa claimants and their predecessors
14 in title have paid property taxes on the land which
15 is the subject of this litigation for many years,
16 sometimes in excess of one hundred years; and

17 WHEREAS, the state of Iowa is one of the Iowa
18 claimants in this litigation; NOW THEREFORE,

19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

20 THE SENATE CONCURRING, That the general assembly
 21 expresses its appreciation of the efforts of the
 22 individual Iowa claimants and of the state of
 23 Iowa in their endeavor to maintain their claims
 24 of ownership to the land that is the subject of
 25 this litigation."

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chair

S-5446

1 Amend House File 2442 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 26, by striking the word "petition"
 4 and inserting in lieu thereof the word "application".
 5 2. Page 2, by striking lines 3 through 8 and
 6 inserting in lieu thereof the following: "in full
 7 or in part by the parties and taxed as court costs."
 8 3. Page 2, by inserting after line 25 the
 9 following:
 10 "g. Whether one or both the parents agree or are
 11 opposed to joint custody.
 12 h. Whether the geographic proximity of the parents
 13 are such that there will be no substantial disruption
 14 of the child's schooling, association with friends,
 15 religious training, and other routines."

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chair

S-5447

1 Amend House File 2398 as amended and passed by
 2 the House as follows:
 3 1. Page 1, by inserting before line 1, the following
 4 new section:
 5 "Section 1. Section 109.113, Cdoe 1981, is amended
 6 to read as follows:
 7 109.113 SIZE LIMITS. It [shall be] *is* unlawful for [any]
 8 a person to take or catch, with commercial fishing
 9 gear, [any] a catfish not less than thirteen inches long.
 10 *However, the minimum length of catfish, effective*
 11 *January 1, 1982 shall be not less than fourteen inches*
 12 *long and the minimum length of catfish effective*
 13 *January 1, 1983, shall be not less than fifteen inches."*

BOB CARR

S-5448

1 Amend House File 2369 as amended, passed and

2 reprinted by the House, as follows:

DIVISION S—5448A

3 1. Page 2, line 34, by striking the word
4 "consecutive".

DIVISION S—5448B

5 2. Page 2, line 35, by inserting after the word
6 "arrest." the words "The court, where possible, shall
7 accommodate the sentence to the work schedule of the
8 defendant."

DIVISION S—5448L

9 3. Page 3, line 3, by inserting after the word
10 "days" the words " , which minimum term cannot be
11 suspended notwithstanding section 901.5, subsection
12 3 and section 907.3, subsection 2".

DIVISION S—5448C

13 4. Page 3, by striking lines 9 through 13 and
14 inserting in lieu thereof the following:
15 "4. As a condition of a suspended sentence or
16 portion of sentence for a second, third or subsequent
17 offense in violation of this section, the court upon
18 hearing may commit the defendant for inpatient
19 treatment of alcoholism or drug addiction or dependency
20 to any hospital or institution in Iowa providing such
21 treatment. The time for which the defendant is
22 committed for treatment shall be credited against
23 the defendant's sentence. The court".

DIVISION S—5448D

24 5. Page 4, line 2, by inserting after the word
25 "judgment." the words and figure "A person whose
26 license to operate a motor vehicle is revoked pursuant
27 to this subsection may be issued a temporary restricted
28 driving permit by the department allowing the person
29 to drive to and from the person's home and place of
30 employment and in the person's employment, if the
31 person's license to operate a motor vehicle is not
32 subject to revocation under section 321B.7 for refusal
33 to submit to chemical testing."

DIVISION S—5448E

34 6. Page 4, by striking lines 18 through 22 and

35 inserting in lieu thereof the words "alcoholic
36 beverage."

DIVISION S—5448F

37 7. Page 5, line 11, by striking the word "*also*"
38 and inserting in lieu thereof the words "*alternatively*
39 *or additionally*".

DIVISION S—5448G

40 8. Page 6, by striking lines 8 and 9 and inserting
41 in lieu thereof the following:

42 "Sec. 8. Section 321.283, subsection 6, Code 1981,
43 is amended to read as follows:

44 6. Temporary permit. Any person required to
45 attend a course by the provisions of this division,
46 who is subject to a drivers license suspension or
47 revocation, may be issued a temporary driving permit
48 by the department restricted to driving to and from
49 [his] *the person's* home, place of employment, in [his]
50 *the person's* employment and the location of the.

Page 2

DIVISION S—5448G (cont'd.)

1 required course. Any person who does not receive
2 a temporary driving permit may after the period of
3 license suspension or revocation [under] *for a violation*
4 *of section 321.281* have his *or her* drivers license
5 reissued subject to suspension for failure to comply
6 with the provisions of this division. This section
7 shall not permit the issuance of a temporary driving
8 permit or reissuance of a drivers license where the
9 provisions of chapter 321A have not been complied
10 with.

11 Successful completion of a course required by this
12 division shall not reverse a drivers license suspension
13 or revocation or reduce the length of a suspension
14 or revocation [under] *for a violation of section 321.281*;
15 however, the director may reduce the length of a
16 suspension or revocation contingent upon successful
17 completion of a course for drinking drivers] *or under*
18 *chapter 321B.*"

DIVISION S—5448H

19 9. Page 8, by striking lines 24 through 27.

DIVISION S—5448I

20 10. Page 10, by striking lines 4 through 13.

DIVISION S—5448J

21 11. Page 12, lines 12 and 13, by striking the
22 words “[not less than one hundred twenty days nor more
23 than]” and inserting in lieu thereof the words “not
24 less than one hundred [twenty] *eighty* days nor more
25 than”.

DIVISION S—5448K

26 12. Page 14, by striking line 33 through page
27 15, line 20.

DIVISION S—5448L (cont'd.)

28 13. Page 15, by striking lines 21 through 32 and
29 inserting in lieu thereof the following:
30 “Sec. 27. Section 907.3, subsection 1, unnumbered
31 paragraph 2, Code 1981, is amended by adding the
32 following new lettered subparagraph:
33 *NEW LETTERED SUBPARAGRAPH.* The offense is a
34 violation of section 321.281 and, within the previous
35 six years, the person has been convicted of a violation
36 of that section or the person’s driver’s license has
37 been revoked pursuant to that section.”

DIVISION S—5448M

38 14. Page 15, by striking line 33 through page
39 6, line 2.
40 15. By renumbering the sections to conform with
41 this amendment.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chair

S-5449

1 Amend House File 2346 as passed, amended and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 8 through 10 and
4 inserting in lieu thereof the following: “session.
5 However, if the editorial work can not be completed
6 for publication in the Code by that date, the Code
7 editor shall report that fact to the senate committee
8 on judiciary and the house committee on judiciary

9 and law enforcement, with the reasons why the work
 10 can not be completed. The Code editor shall complete
 11 the remainder of the editorial work in time for
 12 publication in the Code to be issued following the
 13 1986 legislative session.

14 The Code editor shall not make any substantive
 15 changes to the Code while performing the editorial
 16 work. The Code editor shall seek direction from the
 17 senate committee on judiciary and the house committee
 18 on judiciary and law enforcement before making any
 19 changes which appear to require substantial editing
 20 and which might otherwise be interpreted to exceed
 21 the scope of the Code editor's authority. The Code
 22 editor shall submit questions, report periodically
 23 on the progress of the editorial work, and prepare
 24 a report outlining the changes for the committees.
 25 The Code editor shall maintain a record of the changes
 26 and the reasons for the changes. The record shall
 27 be available to the public."

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chair

S-5450

1 Amend House File 2460, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 22 the
 4 following:

5 "Sec. 16. Section 232.147, subsection 5, Code
 6 1981, is amended to read as follows:

7 5. Inspection of social records and disclosure
 8 of their contents shall not be permitted except
 9 pursuant to court order or unless otherwise provided
 10 in this subsection or chapter.

11 *If an informal adjustment of a complaint is made*
 12 *pursuant to section 232.29, the intake officer shall*
 13 *disclose to the victim of the delinquent act, upon*
 14 *the request of the victim, the name and address of*
 15 *the child who committed the delinquent act."*

16 2. By renumbering as necessary.

BOB RUSH

S-5451

1 Amend Senate File 2295 as follows:

2 1. Page 2, line 28, by inserting after the word
 3 "HORSE" the words "OR DOG".

4 2. Page 2, line 33, by inserting after the word

- 5 "horse" the words "or dog".
6 3. Page 2, line 35, by inserting after the word
7 "horse" the words "or dog".
8 4. Page 3, line 2, by inserting after the word
9 "horse-race" the words "or dog-race".
10 5. Page 4, line 11, by inserting after the word
11 "horse" the words "or dog".
12 6. Page 4, line 14, by inserting after the word
13 "horses" the words "or dogs".
14 7. Page 4, line 18, by inserting after the word
15 "horse" the words "or dog".
16 8. Page 4, line 21, by inserting after the word
17 "horses" the words "or dogs".
18 9. Page 4, line 25, by inserting after the word
19 "horse" the words "or dog".
20 10. Page 4, line 27, by inserting after the word
21 "horses" the words "or dogs".
22 11. Page 4, line 28, by inserting after the word
23 "horses" the words "or dogs".
24 12. Page 4, line 32, by inserting after the word
25 "horses" the words "or dogs".
26 13. Page 5, line 10, by inserting after the word
27 "foaled" the words "or dogs whelped".
28 14. Page 5, line 15, by inserting after the word
29 "horse-race" the words "or dog-race".
30 15. Page 6, line 5, by inserting after the word
31 "horse" the words "or dog".
32 16. Page 7, by striking line 10 and inserting
33 in lieu thereof the following: "of paying premiums
34 for horse or dog exhibits or shows or for horse or
35 dog".
36 17. Page 7, line 11, by inserting after the word
37 "horse" the words "or dog".
38 18. Page 7, by striking line 13 and inserting
39 in lieu thereof the following: "a county 4-H club
40 show for horse or dog shows or horse or dog related".
41 19. Page 7, line 15, by inserting after the word
42 "HORSE" the words "OR DOG".
43 20. Page 8, line 6, by inserting after the word
44 "HORSES" the words "AND DOGS".
45 21. Page 8, line 8, by inserting after the word
46 "foaled" the words "or dogs whelped".
47 22. Page 8, line 9, by inserting after the word
48 "horses" the words "or dogs".
49 23. Page 8, line 11, by inserting after the word
50 "foaled" the words "or a dog whelped".

Page 2

- 1 24. Page 8, line 12, by inserting after the word

- 2 "foal" the words "or pup".
3 25. Page 8, by striking lines 16 and 17 and
4 inserting in lieu thereof the following: "horse and
5 dog breeders fund and distribute it equally by December
6 31 of each calendar year to the breeders of the winning
7 Iowa-foaled horse and Iowa-whelped dog."
8 26. Page 8, line 19, by striking the words "racing
9 or horse-race" and inserting in lieu thereof the words
10 "or dog racing or horse-race or dog-race".
11 27. Page 8, line 26, by inserting after the word
12 "horse" the words "or dog".
13 28. Page 8, line 26, by inserting after the word
14 "horse-race" the words "or dog-race".
15 29. Page 8, line 29, by inserting after the word
16 "horse" the words "or dog".
17 30. Page 8, line 29, by inserting after the word
18 "horse-race" the words "or dog-race".
19 31. Page 9, line 2, by inserting after the word
20 "horse" the words "or dog".
21 32. Page 9, line 4, by inserting after the word
22 "horse-race" the words "or dog-race".
23 33. Page 9, line 5, by inserting after the word
24 "HORSES" the words "AND DOGS".
25 34. Page 9, line 7, by inserting after the word
26 "horse" the words "or dog".
27 35. Page 9, line 9, by inserting after the word
28 "horse" the words "or dog".
29 36. Page 9, line 10, by inserting after the word
30 "horse" the words "or dog".
31 37. Page 9, line 11, by inserting after the word
32 "horse" the words "or dog".
33 38. Page 9, line 14, by inserting after the word
34 "horse" the words "or dog".
35 39. Page 9, line 15, by inserting after the word
36 "horse" the words "or dog".
37 40. Page 10, line 2, by inserting after the word
38 "horses" the words "or dogs".
39 41. Page 10, line 14, by inserting after the word
40 "miles." the words "The commissioner shall authorize
41 only one horse-race meeting or one dog-race meeting
42 on the same date and shall not authorize both a horse-
43 race meeting and a dog-race meeting on the same date."
44 42. Page 11, line 19, by inserting after the word
45 "horse" the words "or dog".
46 43. Title page, line 4, by inserting after the
47 word "horse" the words "or dog".

TED ANDERSON

S-5452

2 reprinted by the House, as follows:

- 3 1. Page 2, line 30, by striking the words "*state*
4 *department of health*" and inserting in lieu thereof
5 the words "*insurance department*".

RICHARD F. DRAKE
WILLIAM D. PALMER

S-5453

1 Amend House File 2446, as passed by the House,

2 as follows:

- 3 1. Page 2, by inserting after line 5 the following:
4 "Sec. 3. The general assembly finds that the
5 ability of elderly persons in this state to maintain
6 self-sufficiency and well-being and to realize their
7 maximum potential is of profound importance, and that
8 the social and health problems of elderly persons
9 are compounded by limited accessibility to existing
10 services and by the unavailability of a complete range
11 of services. In order to better coordinate state
12 and local agency activities and services to elderly
13 persons in this state, the program evaluation division
14 of the legislative fiscal bureau shall conduct an
15 evaluation of the duties of the commission on the
16 aging in chapter 249B of the Code of Iowa relating
17 to interagency planning and coordination of elderly
18 services and report its findings and recommendations
19 to the general assembly by January 1, 1983."
20 2. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES
JULIA B. GENTLEMAN, Chair

S-5454

1 Amend House File 2374 as passed by the House as

2 follows:

- 3 1. Title, line 2, by inserting after the word
4 "institution" the words "or lawful custody of or
5 detention by a public officer".

STEPHEN W. BISENIUS

HOUSE AMENDMENT TO SENATE FILE 2088

S-5455

1 Amend Senate File 2088 as amended, passed and

2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 1 through 25.

4 2. Page 2, lines 31 and 32, by striking the words
5 and figures “, as defined in section 8.6, subsection
6 4, paragraph c.”.

7 3. Page 3, by inserting after line 1 the following
8 section:

9 “Sec. ____ Notwithstanding sections 24.3 through
10 24.17, for the school year beginning July 1, 1982,
11 the board may approve the levy of the property tax
12 authorized in section 2 of this Act and certify a
13 budget to the county auditor not later than twenty
14 days after the effective date of this Act or not later
15 than May 1, 1982, whichever is earlier. Time
16 limitations on procedures necessary for budget
17 certification are adjusted according to the budget
18 certification deadline established in this section.”

19 4. By numbering and renumbering sections and
20 correcting internal references as necessary.

S-5456

1 Amend the amendment S-5378 to House File 2339 as
2 passed by the House as follows:

3 1. Page 1, lines 6 and 7, by striking the words
4 “*sexual abuse in the first degree*.”.

5 2. Page 1, lines 13 and 14, by striking the words
6 “*sexual abuse in the first degree*.”.

A.R. BUD KUDART

S-5458

1 Amend House File 764 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, line 14, by striking the words
4 “snow, ice, and accumulations” and inserting in lieu
5 thereof the words “[snow, ice, and accumulations]
6 *natural accumulations of snow and ice*”.

7 2. Page 1, by inserting before line 19 the
8 following: “*The abutting property owner shall not*
9 *be liable for personal injury, death, or property*
10 *damage caused by the natural accumulation of snow*
11 *and ice*.”.

EDGAR H. HOLDEN

S-5459

1 Amend House File 2435, as amended and passed by
2 the House, as follows:

3 1. By striking everything after the enacting

4 clause and inserting in lieu thereof the following:
 5 "Section 1. *NEW SECTION*. Before a person improves
 6 property acquired to establish, use, and maintain
 7 a shooting range by the erection of buildings,
 8 breastworks, ramparts, or other works, the person
 9 shall seek approval of the county zoning commission
 10 or the city zoning commission, whichever is
 11 appropriate. The appropriate commission shall comply
 12 with section 358A.8 or 414.6. In the event a county
 13 or city does not have a zoning commission, the county
 14 board of supervisors or the city council shall comply
 15 with section 358A.6 or 414.5 before granting the
 16 approval.
 17 After the property and range are permanently located
 18 and improved, a person who acquires title to property
 19 adversely affected by the use of the range shall not
 20 maintain an action against the person who owns the
 21 range to restrain, enjoin, or impede the use of the
 22 range."

COMMITTEE ON NATURAL RESOURCES
 FORREST V. SCHWENGELS, Chair

S-5460

1 Amend House File 2460 as amended, passed and
 2 reprinted by the House, as follows:

DIVISION S—5460A

3 1. Page 2, lines 28 and 29, by striking the words
 4 "an aggravated misdemeanor or".

DIVISION S—5460B

5 2. Page 4, by inserting after line 30 the
 6 following:
 7 "Sec. ____ Section 232.75, Code 1981, is amended
 8 by adding the following new subsection:
 9 *NEW SUBSECTION*. Any person who reports or causes
 10 to be reported false information to the department
 11 of social services, alleging that a person has abused
 12 a child, knowing that the information is false, or
 13 who reports the alleged occurrence of child abuse
 14 knowing that the child abuse did not occur, is guilty
 15 of a simple misdemeanor. The department of social
 16 services shall notify the appropriate county attorney
 17 of such a report."

DIVISION S—5460C

- 18 3. Page 6, by inserting after line 22 the
 19 following:
 20 "Sec. ____ Section 232.147, subsection 5, Code
 21 1981, is amended to read as follows:
 22 5. Inspection of social records and disclosure
 23 of their contents shall not be permitted except
 24 pursuant to court order or unless otherwise provided
 25 in this *subsection or chapter*.
 26 *If an informal adjustment of a complaint is made*
 27 *pursuant to section 232.29, the intake officer shall*
 28 *disclose to the victim of the delinquent act, upon*
 29 *the request of the victim, the name and address of*
 30 *the child who committed the delinquent act."*
 31 4. Page 6, by striking line 34, and inserting
 32 in lieu thereof the words "taken into custody and
 33 who is fourteen years of age or older".
 34 5. By numbering and renumbering as necessary.

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chair

S-5461

- 1 Amend the amendment S-5361 to House File 2405 as passed
 2 by the House as follows:
 3 1. Page 1, by striking lines 24 through 26.

JOHN W. JENSEN
 C. JOSEPH COLEMAN

S-5462

- 1 Amend House File 2463, as amended, passed and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. Section 455B.4, subsection 6, Code
 6 1981, is amended to read as follows:
 7 6. The executive director shall notify the
 8 secretary of agriculture, the commissioner of public
 9 health, the chief administrative officer of the
 10 department of soil conservation, [the director of the
 11 Iowa natural resources council,] the director of the
 12 state conservation commission and the director of
 13 the state hygienic laboratory of the scheduled meetings
 14 of the commission.
 15 Sec. 2. Section 455B.5, subsection 3, Code 1981,
 16 is amended to read as follows:

17 3. Adopt, modify, or repeal rules necessary to
 18 implement the provisions of this chapter and the rules
 19 deemed necessary for the effective administration
 20 of the department. *It is the intent of the general*
 21 *assembly that the commission exercise strict oversight*
 22 *of the operations of the department.* The rules shall
 23 include departmental policy relating to the disclosure
 24 of information on a violation or alleged violation
 25 of the rules, standards, permits or orders issued
 26 by the department and keeping of confidential
 27 information obtained by the department in the
 28 administration and enforcement of the provisions of
 29 this chapter. Rules adopted by the executive committee
 30 before January 1, 1981 shall remain effective until
 31 modified or rescinded by action of the commission.

32 Sec. 3. Section 455B.30, subsection 8, Code 1981,
 33 is amended by striking the subsection.

34 Sec. 4. Section 455B.30, Code 1981, is amended
 35 by adding the following new subsections:

36 *NEW SUBSECTION.* "Private water supply" means any
 37 water supply for human consumption which has less
 38 than fifteen service connections or regularly serves
 39 less than twenty-five individuals.

40 *NEW SUBSECTION.* "Private sewage disposal system"
 41 means a system for the treatment or disposal of
 42 domestic sewage from four or fewer dwelling units.

43 Sec. 5. Section 455B.31, Code 1981, is amended
 44 to read as follows:

45 455B.31 ADMINISTRATIVE AGENCY.

46 1. The department [shall be] *is* the agency of the
 47 state to prevent, abate, or control water pollution
 48 and to conduct the public water supply program.

49 2. *The department is the state agency designated*
 50 *to carry out the state responsibilities related to*

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1 *private water supplies and private sewage disposal*
 2 *systems for the protection of the health of the*
 3 *citizens of this state. The commission shall adopt*
 4 *guidelines and provide model standards for private*
 5 *water supplies and private sewage disposal facilities*
 6 *for use of the local boards of health. Each local*
 7 *board of health is the agency to regulate private*
 8 *water supplies and private sewage disposal systems.*
 9 *Each local board of health shall adopt standards*
 10 *relating to the design, construction, operation, and*
 11 *maintenance of the private water supplies and private*
 12 *sewage disposal facilities. The department shall*

13 *encourage the local boards of health to establish*
 14 *programs to license and enforce the standards for*
 15 *private water supplies and private sewage disposal*
 16 *facilities.*

17 Sec. 6. Section 455B.32, subsection 4, Code 1981,
 18 is amended by striking the subsection.

19 Sec. 7. Chapter 455B, division III, Code 1981,
 20 is amended by adding sections 8 through 28 of this
 21 Act as a new part.

22 Sec. 8. *NEW SECTION. DEFINITIONS.* As used in
 23 this part of division III, unless the context otherwise
 24 requires:

25 1. "Flood plains" means the area adjoining a river
 26 or stream which has been or is covered by flood water.

27 2. "Floodway" means the channel of a river or
 28 stream and those portions of the flood plains adjoining
 29 the channel which are reasonably required to carry
 30 and discharge the flood water or flood flow of any
 31 river or stream.

32 3. "Surface water" means the water occurring on
 33 the surface of the ground.

34 4. "Ground water" means that water occurring
 35 beneath the surface of the ground.

36 5. "Diffused waters" means waters from
 37 precipitation and snowmelt which is not a part of
 38 any watercourse or basin including capillary soil
 39 water.

40 6. "Depleting use" means the storage, diversion,
 41 conveyance, or other use of a supply of water if the
 42 use may impair rights of lower or surrounding users,
 43 may impair the natural resources of the state, or
 44 may injure the public welfare if not controlled.

45 7. "Beneficial use" means the application of water
 46 to a useful purpose that inures to the benefit of
 47 the water user and subject to the user's dominion
 48 and control but does not include the waste or pollution
 49 of water.

50 8. "Nonregulated use" means the use of water for

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1 ordinary household purposes, use of water for poultry,
 2 livestock, and domestic animals, any beneficial use
 3 of surface flow from rivers bordering this state,
 4 any existing beneficial uses of water within the
 5 territorial boundaries of municipal corporations on
 6 May 16, 1957, and any other beneficial use of water
 7 by any person of less than twenty-five thousand gallons
 8 per day. However, industrial users of water, having

9 their own water supply, within the territorial
10 boundaries of municipal corporations, shall be
11 regulated when their water use exceeds three percent
12 more than the highest per day beneficial use prior
13 to May 16, 1957.

14 9. "Regulated use" means any depleting use except
15 a use specifically designated as a nonregulated use.

16 10. "Permit" means a written authorization issued
17 by the department to a permittee which is limited
18 as to quantity, time, place, and rate of diversion,
19 storage, or withdrawal in accordance with the policies
20 and principles of beneficial use as specified in this
21 part.

22 11. "Permittee" means a person who obtains a
23 permit from the department authorizing the person
24 to take possession by diversion or otherwise and to
25 use and apply an allotted quantity of water for a
26 designated beneficial use, and who makes actual use
27 of the water for that purpose.

28 12. "Waste" means any of the following:

29 a. Permitting ground water or surface water to
30 flow, or taking it or using it in any manner so that
31 it is not put to its full beneficial use.

32 b. Transporting ground water from its source to
33 its place of use in such a manner that there is an
34 excessive loss in transit.

35 c. Permitting or causing the pollution of a water-
36 bearing strata through any act which will cause salt
37 water, highly mineralized water, or otherwise
38 contaminated water to enter it.

39 13. "Watercourse" means any lake, river, creek,
40 ditch, or other body of water or channel having
41 definite banks and bed with visible evidence of the
42 flow or occurrence of water, except lakes or ponds
43 without outlet to which only one landowner is riparian.

44 14. "Basin" means a specific subsurface water-
45 bearing reservoir having reasonably ascertainable
46 boundaries.

47 15. "Established average minimum flow" means the
48 average minimum flow for a given watercourse at a
49 given point determined and established by the
50 commission. The "average minimum flow" for a given

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1 watercourse shall be determined by the following
2 factors:

3 a. Average of minimum daily flows occurring during
4 the preceding years chosen by the commission as more

5 nearly representative of changing conditions and needs
6 of a given drainage area at a particular time.

7 b. Minimum daily flows shown by experience to
8 be the limit at which further withdrawals would be
9 harmful to the public interest in any particular
10 drainage area.

11 c. The minimum daily flows shown by established
12 discharge records and experiences to be definitely
13 harmful to the public interest.

14 The determination shall be based upon available
15 data, supplemented, when available data are incomplete,
16 with whatever evidence is available.

17 16. "Impounded or stored water" means that water
18 captured and stored on the land by anyone taking it
19 pursuant to this chapter, and the party impounding
20 the water shall become the absolute owner of the
21 stored water.

22 Sec. 9. *NEW SECTION. DECLARATION OF POLICY.*

23 1. It is recognized that the protection of life
24 and property from floods, the prevention of damage
25 to lands from floods, and the orderly development,
26 wise use, protection, and conservation of the water
27 resources of the state by their considered and proper
28 use is of paramount importance to the welfare and
29 prosperity of the people of the state, and to realize
30 these objectives, it is the policy of the state to
31 correlate and vest the powers of the state in a single
32 agency, the department of environmental quality, with
33 the duty and authority to establish an appropriate
34 comprehensive statewide program for developing a data
35 base in conjunction with the Iowa geological survey
36 for the assessment of the water needs of all water
37 users for the next five years, ten years, fifteen
38 years, and twenty years and preparing a water plan
39 to meet the specific needs of the water users. The
40 general welfare of the people of the state requires
41 that the water resources of the state be put to
42 beneficial use to the fullest extent possible, and
43 that the waste or unreasonable use, or unreasonable
44 methods of use of water be prevented, and that the
45 conservation of water resources be encouraged with
46 the view to their reasonable and beneficial use in
47 the interest of the people, and that the public and
48 private funds for the promotion and expansion of the
49 beneficial use of water resources be invested to the
50 end that the best interests and welfare of the people

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1 are served.

2 2. Water occurring in a basin or watercourse,
3 or other natural body of water of the state, is public
4 water and public wealth of the people of the state
5 and subject to use in accordance with this chapter,
6 and the control and development and use of water for
7 all beneficial purposes is vested in the state, which
8 shall take measures to encourage full utilization
9 and protection of the water resources of the state.

10 Sec. 10. *NEW SECTION.* WATER RESOURCES ADVISORY
11 COUNCIL.

12 1. An advisory council on water resources is
13 created to advise the commission on matters related
14 to water resources, water use, flood plain management,
15 and other matters as the commission may request.

16 2. The commission shall appoint the advisory
17 council consisting of the following nine members:

18 a. One member who is knowledgeable of the operation
19 of a water supply system in a city of three thousand
20 or less population.

21 b. One member who is knowledgeable of the operation
22 of a water supply system in a city of more than three
23 thousand population.

24 c. One member who is a director of the board of
25 a rural water district established under chapter 357A.

26 d. One member actively engaged in the management
27 of a manufacturing company.

28 e. One member who is actively engaged in the
29 management of an electrical utility company.

30 f. Two members who are actively engaged in
31 livestock or grain farming.

32 g. Two members who are electors of the state.

33 The members of the advisory council shall be residents
34 of the state and shall be selected with regard to
35 their political affiliation.

36 3. The members of the advisory council who are
37 not in the full-time employment of a public agency
38 shall be paid a per diem of forty dollars while engaged
39 in the performance of the duties of office. Members
40 shall be reimbursed for their actual and necessary
41 expenses while performing the duties of office. Per
42 diem and expenses shall be paid from funds appro-
43 priated to the department.

44 4. The advisory council shall organize by the
45 election of a chairperson and shall meet quarterly
46 or as it deems necessary. The chairperson shall be
47 elected annually at the meeting of the advisory council
48 held in July. Meetings may be called by the
49 chairperson and shall be called by the chairperson
50 as regularly scheduled or at the request of the commis-

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1 sion. A majority of the advisory council is a quorum
2 and the concurrence of a majority of the advisory
3 council is required for determination of matters
4 within its powers and duties.

5 5. The commission shall establish the scope of
6 the duties of the advisory council and shall define
7 the manner in which the advisory council assists the
8 commission in the discharge of its duties.

9 6. The advisory council and the terms of its
10 members shall expire two years from the effective
11 date of this Act unless the advisory council is
12 continued by law upon recommendation of the commission.
13 The recommendation shall include a detailed proposal
14 for the functions and duties of a permanent council
15 and the size and representation of the council.

16 Sec. 11. *NEW SECTION. DUTIES.*

17 1. The commission shall establish and enforce
18 a comprehensive statewide plan for the control,
19 utilization, and protection of the water resources
20 of the state, which plan shall include all uses and
21 developments of water resources and shall provide
22 for the optimum control, protection, development,
23 utilization, and allocation of water resources,
24 including the relative priority of each user group
25 for water allocation and the development of criteria
26 for the commission to establish by rule the relative
27 priority of each water source for use. All uses and
28 developments of water resources regulated under this
29 part must be found to be compatible with the state
30 comprehensive plan after its adoption prior to the
31 granting of a permit by the executive director or
32 an approval order by the commission. In making and
33 formulating the state comprehensive plan for the
34 future control, development, protection, allocation,
35 and utilization of the water resources of the state,
36 the department shall make surveys and investigations
37 of the water resources of the state and shall give
38 consideration to the needs of agriculture, industry,
39 health, fish and wildlife, recreation, pollution,
40 and allied matters as they relate to flood control
41 and water resources. Before implementation of the
42 statewide plan, the commission shall submit the plan
43 to the general assembly which shall approve or
44 disapprove the plan pursuant to a concurrent resolu-
45 tion. Approval of the plan shall require the
46 affirmative vote of a majority of the members of each
47 house of the general assembly.

48 2. The commission shall designate the official
49 representative of this state on all comprehensive
50 water resources planning groups for which state

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1 participation is provided. The commission shall
2 coordinate state planning with local and national
3 planning and, in safeguarding the interests of the
4 state and its people, shall undertake the resolution
5 of any conflicts that may arise between the water
6 resources policies, plans, and projects of the federal
7 government and the water resources policies, plans,
8 and projects of the state, its agencies, and its
9 people. This section, assigning the overall respon-
10 sibility for comprehensive planning of water resources
11 to the commission, does not limit or supplant the
12 functions, duties, and responsibilities of other state
13 or local agencies or institutions with regard to
14 planning of water-associated projects within the
15 particular area of responsibility of those state or
16 local agencies or institutions.

17 3. The commission shall enter into negotiations
18 and agreements with the federal government relative
19 to the operation of, or the release of water from,
20 any project that has been authorized or constructed
21 by the federal government when the commission deems
22 the negotiations and agreements to be necessary for
23 the achievement of the policies of this state rela-
24 tive to its water resources.

25 4. The commission, on behalf of the state, shall
26 enter into negotiations with the federal government
27 relative to the inclusion of conservation storage
28 features for water supply in any project that has
29 been authorized by the federal government when the
30 commission deems the negotiations to be necessary
31 for the achievement of the policies of this state
32 and the state comprehensive plan for water resources,
33 however, an agreement reached pursuant to these
34 negotiations does not bind the state until enacted
35 into law by the general assembly.

36 5. A water user who benefits from the development
37 by the federal government of conservation storage
38 for water supply shall be encouraged to assume the
39 responsibility for repaying to the federal government
40 any reimbursable costs incurred in the development,
41 and a user who accepts benefits from the developments
42 financed in whole or part by the state shall assume
43 by contract the responsibility of repaying to the

44 state the user's reasonable share of the state's
45 obligations in accordance with a basis which will
46 assure payment within the life of the development.
47 An appropriation, diversion, or use shall not be made
48 by a person of any waters of the state that have been
49 stored or released from storage either under the
50 authority of the state or pursuant to an agreement

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1 between the state and the federal government until
2 the person has assumed by contract the person's
3 repayment responsibility. However, this subsection
4 does not infringe upon any vested property interests.
5 6. In its contracts with water users for the
6 payment of state obligations incurred in the
7 development of conservation storage for water supply,
8 the commission shall include the terms deemed
9 reasonable and necessary:
10 a. To protect the health, safety, and general
11 welfare of the people of the state.
12 b. To achieve the purposes of this chapter.
13 c. To provide that the state is not responsible
14 to any person if the waters involved are insufficient
15 for performance.
16 The commission may designate and describe any such
17 contract, and describe the relationships to which
18 it relates, as a sale of storage capacity, a sale
19 of water release services, a contract for the storage
20 or sale of water, or any similar terms suggestive
21 of the creation of a property interest. The term
22 of the contracts shall be commensurate with the
23 investment and use concerned, but the commission shall
24 not enter into any such contract for a term in excess
25 of the maximum period provided for water use permits.
26 7. The commission shall procure flood control
27 works and water resources projects from or by
28 cooperation with any agency of the United States,
29 by cooperation with the cities and other subdivisions
30 of the state under the laws of the state relating
31 to flood control and use of water resources, and by
32 cooperation with the action of landowners in areas
33 affected by the works or projects when the commissioner
34 deems the projects to be necessary for the achievement
35 of the policies of this state and the state
36 comprehensive plan for water resources.
37 8. The commission shall promote the policies set
38 forth in this part and shall represent this state
39 in all matters within the scope of this part. The

40 commission shall adopt rules pursuant to chapter 17A
41 as necessary to transact its business and for the
42 administration and exercise of its powers and duties.
43 9. In carrying out its duties, the commission
44 may accept gifts, contributions, donations and grants,
45 and use them for any purpose within the scope of this
46 part.

47 **Sec. 12. NEW SECTION. JURISDICTION--DIVERSION**
48 **OF WATER.**

49 1. The commission has jurisdiction over the public
50 and private waters in the state and the lands adjacent

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1 to the waters necessary for the purposes of carrying
2 out this part. The commission may construct flood
3 control works or any part of the works. In the
4 construction of the works, in making surveys and
5 investigations, or in formulating plans and programs
6 relating to the water resources of the state, the
7 commission may cooperate with an agency of another
8 state or the United States, or with any other person.

9 2. Upon application by any person for permission
10 to divert, pump, or otherwise take waters from any
11 watercourse, underground basin or watercourse, drainage
12 ditch, or settling basin within this state for any
13 purpose other than a nonregulated use, the executive
14 director shall investigate the effect of the use upon
15 the natural flow of the watercourse, the effect of
16 the use upon the owners of any land which might be
17 affected by the use, and the effect of the use upon
18 the state comprehensive plan for water resources.

19 3. Upon application by any person for approval
20 of the construction or maintenance of any structure,
21 dam, obstruction, deposit, or excavation to be erected,
22 used, or maintained in or on the flood plans of any
23 river or stream, the department shall investigate
24 the effect of the construction or maintenance project
25 on the efficiency and capacity of the floodway and
26 on the state comprehensive plan for water resources.
27 In determining the effect of the proposal the
28 department shall consider fully its effect on flooding
29 of or flood control for any proposed works and adjacent
30 lands and property, on the wise use and protection
31 of water resources, on the quality of water, on fish,
32 wildlife, and recreational facilities or uses, and
33 on all other public rights and requirements.

34 **Sec. 13. NEW SECTION. PERMITS FOR DIVERSION,**
35 **STORAGE, AND WITHDRAWAL.** If the department determines

36 after due investigation that the diversion, storage,
 37 or withdrawal of water will not be detrimental to
 38 the public interests, including drainage and levee
 39 districts, or to the interests of property owners
 40 with prior or superior rights who may be affected,
 41 the department shall grant a permit for the diversion,
 42 storage, or withdrawal. Permits may be granted for
 43 the life of the structure unless revoked by the
 44 commission. All existing storage permits are extended
 45 for the life of the structure unless withdrawn for
 46 good cause. Permits may be granted which provide
 47 for less diversion, storage, or withdrawal of waters
 48 than set forth in the application. A permit granted
 49 shall remain as an appurtenance of the land described
 50 in the permit through the date specified in the permit

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1 and any extension of the permit or until earlier date
 2 if the permit or any extension of the permit is
 3 modified or canceled under section 19 of this Act.
 4 Upon application for a permit prior to the termination
 5 date specified in the permit, a permit may be renewed
 6 by the executive director for any period of time not
 7 to exceed ten years.

8 **Sec. 14. NEW SECTION. PRIORITY OF PERMITS FOR**
 9 **DIVERSION, STORAGE, AND WITHDRAWAL.**

10 1. In the consideration of applications for
 11 permits, priority in processing shall be given to
 12 persons in the order that the applications are
 13 received. The executive director or the commission
 14 on appeal shall determine the duration and frequency
 15 of withdrawal and the quantity of water for which
 16 a permit may be granted. The use of water for ordinary
 17 household purposes, and for poultry, livestock, and
 18 domestic animals shall have priority over other uses.
 19 Any person with an existing irrigation system in use
 20 prior to May 16, 1957, shall be issued a permit to
 21 continue unless its use damages some other riparian
 22 user. In the consideration of applications for per-
 23 mits by regulated users, the declared policies and
 24 principles of beneficial use as set forth in this
 25 part are the standards for the determination of the
 26 disposition of the applications for permits. This
 27 part does not impair the vested right of any person.
 28 2. When permits are modified or canceled, priority
 29 for permits shall be given to applicants or permit
 30 holders who use water for agricultural research.
 31 This subsection does not give priority to those

32 applicants or permit holders in preference to other
33 classes granted priority by this section.

34 Sec. 15. *NEW SECTION. PERMITS FOR BENEFICIAL*
35 *USE--PROHIBITIONS.*

36 1. The executive director with approval of the
37 commission may issue a permit for beneficial use of
38 water in a watercourse if the established average
39 minimum water flow is preserved.

40 2. A use of water shall not be authorized if it
41 will impair the effect of this chapter or any other
42 pollution control law of this state.

43 3. A permit shall not be issued or continued if
44 it will impair the navigability of any navigable
45 watercourse.

46 Sec. 16. *NEW SECTION. WHEN PERMIT REQUIRED.*

47 1. A permit shall be required for the following:

48 a. A municipal corporation or a person supplying
49 a municipal corporation which increases its water
50 use in excess of one hundred thousand gallons or three

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1 percent, whichever is the greater, per day more than
2 its highest per day beneficial use prior to May 16,
3 1957. The corporation or person shall make reasonable
4 provision for the storage of water at times when the
5 daily use of the water by the corporation or person
6 is less than the amount specified in this subsection.

7 b. Except for a nonregulated use, a person using
8 in excess of twenty-five thousand gallons of water
9 per day, diverted, stored, or withdrawn from any
10 source of supply except a municipal water system or
11 any other source specifically exempted under this
12 part.

13 c. A person who diverts water or any material
14 from the surface directly into an underground
15 watercourse or basin.

16 d. Industrial users of water having their own
17 water supply within the territorial boundaries of
18 municipal corporations when the water use exceeds
19 three percent more than the highest per day beneficial
20 use prior to May 16, 1957.

21 2. The commission may adopt, modify, or repeal
22 rules pursuant to chapter 17A specifying the conditions
23 under which the executive director may authorize
24 specific nonrecurring minor uses of water for periods
25 not to exceed one year through registration.

26 3. Notwithstanding any exemptions from permit
27 requirements, nothing in this part exempts water users

28 from requirements for reporting which the commission
29 adopts by rule.

30 Sec. 17. *NEW SECTION. TAKING WATER PROHIBITED.*

31 A person shall not take water from a natural
32 watercourse, underground basin or watercourse, drainage
33 ditch, or settling basin within this state for any
34 purpose other than a nonregulated use except in
35 compliance with this part. However, existing uses
36 may be continued during the period of the pendency
37 of an application for a permit.

38 Sec. 18. *NEW SECTION. RIGHTS PRESERVED.* This
39 part does not deprive any person of the right to use
40 diffused waters, to drain land by use of tile, open
41 ditch, or surface drainage, or to construct an
42 impoundment on the person's property or across a
43 stream that originates on the person's property if
44 provision is made for safe construction and for a
45 continued established average minimum flow when the
46 flow is required to protect the rights of water users
47 below.

48 Sec. 19. *NEW SECTION. MODIFICATION OR CANCELLATION*
49 *OF PERMITS.* Each permit issued under this part is
50 irrevocable for its term and for any extension of

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1 its term except as follows:

- 2 1. A permit may be modified or canceled by the
- 3 department with the consent of the permittee.
- 4 2. Subject to appeal to the commission, a permit
- 5 may be modified or canceled by the executive director
- 6 if any of the following occur:
 - 7 a. There is a breach of the terms of the permit.
 - 8 b. There is a violation of the law pertaining
 - 9 to the permit by the permittee or the permittee's
 - 10 agents.
 - 11 c. There is a circumstance of nonuse as provided
 - 12 in section 20 of this Act.
 - 13 d. The department finds that modification or
 - 14 cancellation is necessary to protect the public health
 - 15 or safety, to protect the public interests in lands
 - 16 or waters, or to prevent substantial injury to persons
 - 17 or property in any manner. Before the modification
 - 18 or cancellation is effective, the department shall
 - 19 give at least thirty days' written notice mailed to
 - 20 the permittee at the permittee's last known address,
 - 21 stating the grounds of the proposed modification or
 - 22 cancellation and giving the permittee an opportunity
 - 23 to be heard on the proposal.

24 3. By written order to the permittee, the
25 department may suspend operations under a permit if
26 the executive director finds it necessary in an
27 emergency to protect the public health, to protect
28 the public interest in waters against imminent danger
29 of substantial injury in any manner or to an extent
30 not expressly authorized by the permit. The department
31 may require the permittee to take measures necessary
32 to prevent or remedy the injury, but an order shall
33 not be in effect for more than thirty days from the
34 date of issue without giving the permittee at least
35 ten days' written notice of the order and an
36 opportunity to be heard on the order.

37 Sec. 20. *NEW SECTION. TERMINATION OF PERMIT.*

38 The right of the permittee and the permittee's
39 successors to the use of water shall terminate when
40 the permittee or the permittee's successors fail for
41 three consecutive years to use it for the specific
42 beneficial purpose authorized in the permit and, after
43 notification by the department of intent to cancel
44 the permit for nonuse, the permittee or the permittee's
45 successors fail to demonstrate adequate plans to use
46 water within a reasonable time.

47 Sec. 21. *NEW SECTION. DISPOSAL OF PERMIT. A*

48 permittee may sell, transfer, or assign a permit by
49 conveying, leasing, or otherwise transferring the
50 ownership of the land described in the permit, but

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1 the permit does not constitute ownership or absolute
2 rights of use of the waters. The waters remain sub-
3 ject to the principle of beneficial use and the orders
4 of the executive director or commission.

5 Sec. 22. *NEW SECTION. UNAUTHORIZED DEPLETING*

6 USES. If a person files a complaint with the
7 department that another person is making a depleting
8 use of water not expressly exempted as a nonregulated
9 use under this part and without a permit to do so,
10 the department shall cause an investigation to be
11 made and if the facts stated in the complaint are
12 verified the department shall order the discontinuance
13 of the use.

14 Sec. 23. *NEW SECTION. PROHIBITED ACTS--POWERS*
15 *OF COMMISSION AND EXECUTIVE DIRECTOR.*

16 1. A person shall not erect, use or maintain a
17 structure, deposit, or excavation in or on a floodway
18 or flood plains, which will adversely affect the ef-
19 ficiency of or unduly restrict the capacity of the

20 floodway, adversely affect the control, development,
21 protection, allocation, or utilization of the water
22 resources of the state, or adversely affect or
23 interfere with the state comprehensive plan for water
24 resources or an approved local water resources plan,
25 and the same are declared to be public nuisances.
26 However, this subsection does not apply to dams
27 constructed and operated under the authority of chapter
28 469.

29 2. The department may commence, maintain, and
30 prosecute any appropriate action to enjoin or abate
31 a nuisance, including any of the nuisances specified
32 in subsection 1 and any other nuisance which adversely
33 affects flood control.

34 3. If a person desires to erect or make or to
35 permit a structure, dam, obstruction, deposit or
36 excavation, other than a dam constructed and operated
37 under chapter 469, to be erected, made, used, or
38 maintained in or on any floodway or flood plains,
39 the person shall file a verified written application
40 with the department, setting forth information as
41 required by rule of the commission. The department,
42 after an investigation, shall approve or deny the
43 application imposing conditions and terms as prescribed
44 by the department.

45 4. The department may maintain an action in equity
46 to enjoin a person from erecting or making or
47 permitting to be made a structure, dam, obstruction,
48 deposit, or excavation other than a dam constructed
49 and operated under the authority of chapter 469, for
50 which a permit has not been granted. The department

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1 may also abate as a public nuisance any structure,
2 dam, obstruction, deposit, or excavation erected or
3 made without the permit required under this part
4 within one year of cessation of construction. The
5 costs of the abatement shall be borne by the violator.

6 5. The department may remove or eliminate a struc-
7 ture, dam, obstruction, deposit, or excavation in
8 a floodway which adversely affects the efficiency
9 of or unduly restricts the capacity of the floodway,
10 by an action in condemnation, and in assessing the
11 damages in the proceeding, the appraisers and the
12 court shall take into consideration whether the
13 structure, dam, obstruction, deposit, or excavation
14 is lawfully in or on the floodway in compliance with
15 this part.

16 6. The department may require, as a condition
17 of an approval order or permit granted pursuant to
18 this part or chapter 469, the furnishing of a
19 performance bond with good and sufficient surety,
20 conditioned upon full compliance with the order or
21 permit and the rules of the commission. In determining
22 the need for and amount of bond, the department shall
23 give consideration to the hazard posed by the
24 construction and maintenance of the approved works
25 and the protection of the health, safety, and welfare
26 of the people of the state. This subsection does
27 not apply to orders or permits granted to a
28 governmental entity.

29 7. When approving a request to straighten a stream,
30 the department may establish as a condition of appro-
31 val a permanent prohibition against tillage of land
32 owned by the person receiving the approval and lying
33 within a minimum distance from the stream sufficient
34 in the judgment of the director or commission to hold
35 soil erosion to reasonable limits. The department
36 shall record the prohibition in the office of the
37 county recorder of the appropriate county and the
38 prohibition shall attach to the land.

39 8. The commission shall establish, by rule,
40 thresholds for dimensions and effects, and any
41 structure, dam, obstruction, deposit, or excavation
42 having smaller dimensions and effects than those es-
43 tablished by the commission is not subject to regu-
44 lation under this section. The thresholds shall be
45 established so that only those structures, dams,
46 obstructions, deposits, or excavations posing a
47 significant threat to the well-being of the public
48 and the environment are subject to regulation.

49 Sec. 24. *NEW SECTION. FLOOD PLAINS--ENCROACHMENT*
50 *LIMITS.* The commission may establish and enforce

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1 rules for the orderly development and wise use of
2 the flood plains of any river or stream within the
3 state and alter, change, or revoke the rules. The
4 commission shall determine the characteristics of
5 floods which reasonably may be expected to occur and
6 may establish by order encroachment limits, protection
7 methods, and minimum protection levels appropriate
8 to the flooding characteristics of the stream and
9 to reasonable use of the flood plains. The order
10 shall fix the length of flood plains to be regulated
11 at any practical distance, the width of the zone

12 between the encroachment limits so as to include por-
13 tions of the flood plains adjoining the channel, which
14 with the channel, are required to carry and discharge
15 the flood waters or flood flow of the river or stream,
16 and the design discharge and water surface elevations
17 for which protection shall be provided for projects
18 outside the encroachment limits but within the limits
19 of inundation. Plans for the protection of projects
20 proposed for areas subject to inundation shall be
21 reviewed as plans for flood control works within the
22 purview of section 25 of this Act. An order
23 establishing encroachment limits shall not be issued
24 until due notice of the proposed order is given and
25 opportunity for public hearing given for the
26 presentation of protests against the order. In
27 establishing the limits, the commission shall avoid
28 to the greatest possible degree the evacuation of
29 persons residing in the area of a floodway, the removal
30 of residential structures occupied by the persons
31 in the area of a floodway, and the removal of
32 structures erected or made prior to July 4, 1965,
33 which are located on the flood plains of a river or
34 stream but not within the area of a floodway.

35 The commission shall cooperate with and assist
36 local units of government in the establishment of
37 encroachment limits, flood plain regulations, and
38 zoning ordinances relating to flood plain areas within
39 their jurisdiction. Encroachment limits, flood plain
40 regulations, or flood plain zoning ordinances proposed
41 by local units of government shall be submitted to
42 the department for review and approval prior to
43 adoption by the local units of government. Changes
44 or variations from an approved regulation or ordinance
45 as it relates to flood plain use are subject to
46 approval by the commission prior to adoption.
47 Individual applications, plans, and specifications
48 and individual approval orders shall not be required
49 for works on the flood plains constructed in conformity
50 with encroachment limits, flood plain regulations,

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1 or zoning ordinances adopted by the local units of
2 government and approved by the commission.

3 **Sec. 25. NEW SECTION. FLOOD CONTROL WORKS**
4 **COORDINATED.** All flood control works in the state,
5 which are established and constructed after the
6 effective date of this Act, shall be coordinated in
7 design, construction, and operation according to sound

8 and accepted engineering practice so as to effect
9 the best flood control obtainable throughout the
10 state. A person shall not construct or install works
11 of any nature for flood control until the proposed
12 works and the plans and specifications for the works
13 are approved by the commission. The commission shall
14 consider all the pertinent facts relating to the
15 proposed works which will affect flood control and
16 water resources in the state and shall determine
17 whether the proposed works in the plans and
18 specifications will be in aid of and acceptable as
19 part of, or will adversely affect and interfere with
20 flood control in the state, adversely affect the
21 control, development, protection, allocation, or
22 utilization of the water resources of the state, or
23 adversely affect or interfere with the state
24 comprehensive plan for water resources or an approved
25 local water resources plan. In the event of
26 disapproval, the commission shall set forth the objec-
27 tionable features so that the proposed works and the
28 plans and specifications for the proposed works may
29 be corrected or adjusted to obtain approval.

30 This section applies to drainage districts, soil
31 conservation districts, the state conservation
32 commission, political subdivisions of the state, and
33 private persons undertaking projects relating to flood
34 control.

35 Sec. 26. *NEW SECTION.* PERMIT APPLICATION
36 PROCEDURES.

37 1. The commission shall adopt, modify, or repeal
38 rules establishing procedures by which permits required
39 under this part shall be issued, suspended, revoked,
40 modified, or denied. The procedures shall include
41 provisions for application, an application fee
42 sufficient to pay the administrative costs of the
43 permit process, public notice and opportunity for
44 public hearing, and contested cases.

45 2. Action by the department upon an application
46 for a permit required under this part may be appealed
47 to the commission by the applicant or any affected
48 person within thirty days of the department's action.
49 A hearing before the commission or its designee is
50 a contested case. The hearings and judicial review

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1 of decisions of the commission shall be carried out
2 in accordance with chapter 17A. Notwithstanding
3 chapter 17A, petitions for judicial review may be

4 filed in the district court of Polk county or of any
 5 county in which the property affected is located.
 6 If the commission, the district court, or the supreme
 7 court determines that the action of the commission
 8 shall be stayed, the petitioner shall file an
 9 appropriate bond approved by the court.

10 Sec. 27. *NEW SECTION. VIOLATION.*

11 1. The commission may issue any order necessary
 12 to secure compliance with or prevent a violation of
 13 this part or the rules adopted pursuant to this part.
 14 The attorney general shall, on request of the
 15 department, institute any legal proceedings necessary
 16 in obtaining compliance with an order of the
 17 commission.

18 2. A person who violates a provision of this part
 19 or a rule or order adopted or promulgated or the
 20 conditions of a permit issued pursuant to this part
 21 is subject to a civil penalty not to exceed five
 22 hundred dollars for each day that a violation occurs.

23 Sec. 28. *NEW SECTION. COORDINATION WITH*
 24 *CONSERVANCY DISTRICTS.* The commission and the boards
 25 of the conservancy districts established by chapter
 26 467D shall coordinate their efforts in carrying out
 27 the purposes of this chapter and chapter 467D. In
 28 addition to other powers and duties conferred by law,
 29 the department shall:

30 1. Offer advice and assistance as appropriate
 31 to the boards of the several conservancy districts
 32 in the state in discharging their powers and duties.

33 2. Review and make recommendations as necessary
 34 to bring the plan of each of the conservancy districts,
 35 and any subsequent changes in the plan, into conformity
 36 with the statewide water resources plan established
 37 by the commission pursuant to section 11 of this Act.

38 3. Inform the board of any conservancy district
 39 of any of the following:

40 a. The receipt of each application for a permit
 41 to divert, store, or withdraw either surface or
 42 underground waters at any place within the district,
 43 filed with the executive director pursuant to this
 44 part.

45 b. The receipt of each application for approval
 46 of a proposed dam, obstruction, deposit, or excavation
 47 in or on any floodway or flood plain in the district,
 48 filed with the executive director pursuant to section
 49 23 of this Act.

50 c. Any proposed order which would establish

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1 encroachment limits and zoning regulations on any
2 flood plain in the district, filed with the executive
3 director pursuant to section 24 of this Act.

4 d. The receipt of each application for approval
5 of a proposed flood control structure or works, filed
6 with the executive director pursuant to section 25
7 of this Act.

8 Sec. 29. Section 68B.2, subsection 4, Code 1981,
9 is amended to read as follows:

10 4. "Regulatory agency" means department of
11 agriculture, industrial commissioner, bureau of labor,
12 occupational safety and health review commission,
13 department of job service, department of banking,
14 insurance department of Iowa, state department of
15 health, department of public safety, department of
16 public instruction, state board of regents, department
17 of social services, department of revenue, Iowa state
18 commerce commission, Iowa beer and liquor control
19 department, board of pharmacy examiners, state
20 conservation commission, state department of
21 transportation, Iowa state civil rights commission,
22 department of soil conservation, department of public
23 defense, *and* department of environmental quality [and
24 Iowa natural resources council].

25 Sec. 30. Section 83A.3, subsection 5, Code 1981,
26 is amended to read as follows:

27 5. One member representing the [Iowa natural
28 reesources council] *department of environmental quality.*

29 Sec. 31. Section 84.2, subsections 11, 12, 14,
30 and 16, Code 1981, are amended to read as follows:

31 11. "Illegal oil" means oil which has been produced
32 from any well within the state in excess of the
33 quantity permitted by any rule or order of the [council]
34 *department.*

35 12. "Illegal gas" means gas which has been produced
36 from any well within this state in excess of the
37 quantity permitted by any rule or order of the [council]
38 *department.*

39 14. "Certificate of clearance" means a permit
40 prescribed by the [council] *department* for the
41 transportation or the delivery of oil or gas or product
42 and issued or registered in accordance with the rule
43 or order requiring [such] *the* permit.

44 16. ["Council"] "*Department*" means [Iowa natural
45 resources council as defined in chapter 455A] *the*
46 *department of soil conservation.*

47 Sec. 32. Section 84.2, Code 1981, is amended by

48 adding the following new subsection:

49 *NEW SUBSECTION.* "Committee" means the state soil
50 conservation committee.

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1 Sec. 33. Section 84.4, unnumbered paragraph 1,
2 Code 1981, as amended by Acts of the Sixty-ninth
3 General Assembly, 1981 Session, chapter 41, section
4 3, is amended to read as follows:

5 The [council] *department* has the duty of administering
6 this chapter. The state geologist shall act as
7 administrator with the duty of enforcing the
8 regulations and orders of the [council] *department*
9 applicable to the crude petroleum oil and natural
10 gas and metallic mineral resources of this state and
11 the provisions of this chapter. The [council] *department*
12 has the duty to make investigations it deems proper
13 to determine whether waste exists or is imminent or
14 whether other facts exist which justify action. The
15 [council] *department* acting through the office of the
16 state geologist has the authority:

17 Sec. 34. Section 84.4, subsection 1, paragraphs
18 d, e, and i, Code 1981, are amended to read as follows:
19 d. The furnishing of a reasonable bond with good
20 and sufficient surety, conditioned upon the full
21 compliance with [the provisions of] this chapter, and
22 the rules of the [council] *committee* prescribed to
23 govern the production of oil and gas on state and
24 private lands within the state of Iowa;

25 e. That the production from wells be separated
26 into gaseous and liquid hydrocarbons, and that each
27 be accurately measured by [such] *the* means and upon
28 [such] standards [as may be] prescribed by the [council]
29 *committee*;

30 i. That every person who produces, sells,
31 purchases, acquires, stores, transports, refines,
32 or processes native and indigenous Iowa produced crude
33 oil or gas in this state shall keep and maintain
34 within this state complete and accurate records of
35 the quantities [thereof] *of oil or gas*, which records
36 shall be available for examination by the [council
37 or its agents] *department* at all reasonable times,
38 and that every such person file with the [council such]
39 *department the* reports [as] it may prescribe with respect
40 to [such] *the* oil or gas or the products [thereof] *of*
41 *the oil or gas*.

42 Sec. 35. Section 84.5, Code 1981, as amended by
43 Acts of the Sixty-ninth General Assembly, 1981 Session,

44 chapter 41, section 4, is amended to read as follows:
45 84.5 DRILLING PERMIT REQUIRED. It is unlawful
46 to commence operations for the drilling of a well
47 for oil or gas or the production of metallic minerals
48 or to commence operations to deepen any well to a
49 different geological formation without first giving
50 the state geologist notice of intention to drill,

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1 and without first obtaining a permit from the state
2 geologist, under rules prescribed by the [council]
3 committee and paying to the [council] department a fee
4 [of fifty dollars] established by rule of the department
5 for the well. The fee shall be [used by the council
6 for administering this chapter, including the payment
7 of expenses incurred in publishing legal notice]
8 deposited in the general fund of the state.

9 Sec. 36. Section 84.6, Code 1981, is amended to
10 read as follows:

11 84.6 [COUNCIL] DEPARTMENT SHALL DETERMINE MARKET
12 DEMAND AND REGULATE THE AMOUNT OF PRODUCTION. The
13 [council] department shall determine market demand for
14 each marketing district and regulate the amount of
15 production as follows:

16 1. The [council] department shall limit the
17 production of oil and gas within each marketing
18 district to that amount which can be produced without
19 waste, and which does not exceed the reasonable market
20 demand.

21 2. [Whenever] When the [council] department limits
22 the total amount of oil or gas which may be produced
23 in the state or a marketing district, the [council]
24 department shall allocate or distribute the allowable
25 production among the pools [therein] in the district
26 on a reasonable basis, giving, where reasonable under
27 the circumstances to each pool with small wells of
28 settled production, an allowable production which
29 prevents the general premature abandonment of [such]
30 the wells in the pool.

31 3. [Whenever] When the [council] department limits
32 the total amount of oil or gas which may be produced
33 in any pool in this state to an amount less than that
34 amount which the pool could produce if no restriction
35 were imposed, which limitation is imposed either
36 incidental to, or without, a limitation of the total
37 amount of oil or gas produced in the marketing district
38 wherein the pool is located, the [council] department
39 shall allocate or distribute the allowable production

40 among the [several] wells or producing properties in
41 the pool on a reasonable basis, preventing or
42 minimizing reasonable avoidable drainage, so that
43 each property will have the opportunity to produce
44 or to receive its just and equitable share, subject
45 to the reasonable necessities for the prevention of
46 waste.

47 4. In allocating the market demand for gas [as]
48 between pools within marketing districts, the [council]
49 department shall give due regard to the fact that
50 gas produced from oil pools is to be regulated in

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1 a manner [as] *which* will protect the reasonable use
2 of its energy for oil production.

3 5. The [council shall] *department is not* [be] required
4 to determine the reasonable market demand applicable
5 to any single pool, except in relation to all other
6 pools within the same marketing district, and in
7 relation to the demand applicable to the marketing
8 district. In allocating allowables to pools, the
9 [council] *department may consider, but [shall] is not*
10 [be] bound by nominations of purchasers to purchase
11 from particular fields, pools, or portions thereof.
12 The [council] *department shall allocate the total*
13 *allowable for the state in [such] a manner [as] which*
14 *prevents undue discrimination between marketing*
15 *districts, fields, pools, or portions thereof resulting*
16 *from selective buying or nomination by purchasers.*

17 Sec. 37. Section 84,7, unnumbered paragraph 1
18 and subsections 1 and 4, Code 1981, are amended to
19 read as follows:

20 The [council] *department shall set spacing units*
21 *as follows:*

22 1. When necessary to prevent waste, to avoid the
23 drilling of unnecessary wells, or to protect
24 correlative rights, the [council] *department shall*
25 *establish spacing units for a pool. Spacing units*
26 *when established shall be of uniform size and shape*
27 *for the entire pool, except that when found to be*
28 *necessary for any of the purposes above mentioned,*
29 *the [council is authorized to] department may divide*
30 *any pool into zones and establish spacing units for*
31 *each zone, which units may differ in size and shape*
32 *from those established in any other zone.*

33 4. An order establishing units for a pool shall
34 cover all lands determined or believed to be underlain
35 by [such] *the pool, and may be modified by the state*

36 geologist from time to time to include additional
37 areas determined to be underlaid by [such] *the* pool.
38 When found necessary for the prevention of waste,
39 or to avoid the drilling of unnecessary wells or to
40 protect correlative rights, an order establishing
41 spacing units in a pool may be modified by the state
42 geologist to increase the size of spacing units in
43 the pool or any zone [thereof] *of the pool*, or to permit
44 the drilling of additional wells on a reasonable
45 uniform plan in the pool, or any zone [thereof] *of the*
46 *pool*. Orders of the state geologist may be appealed
47 to the [council] *department* within thirty days.
48 Sec. 38. Section 84.8, Code 1981, is amended to
49 read as follows:
50 84.8 INTEGRATION OF FRACTIONAL TRACTS.

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1 1. When two or more separately owned tracts are
2 embraced within a spacing unit, or when there are
3 separately owned interests in all or a part of the
4 spacing unit, then the owners and royalty owners
5 [thereof] *of the tracts* may pool their interests for
6 the development and operation of the spacing unit.
7 In the absence of voluntary pooling the [council]
8 *department* upon the application of any interested
9 person, shall enter an order pooling all interests
10 in the spacing unit for the development and operations
11 [thereof] *of the unit*. Each [such] pooling order shall
12 be made after notice and hearing, and shall be upon
13 terms and conditions that are just and reasonable,
14 and that afford to the owner of each tract or interest
15 in the spacing unit the opportunity to recover or
16 receive, without unnecessary expense, [his] a just and
17 equitable share. Operations incident to the drilling
18 of a well upon any portion of a spacing unit covered
19 by a pooling order shall be deemed for all purposes[,]
20 *to be* the conduct of [such] *the* operations upon each
21 separately owned tract in the drilling unit by the
22 several owners [thereof] *of the unit*. That portion
23 of the production allocated to each tract included
24 in a spacing unit covered by a pooling order shall,
25 when produced, be deemed for all purposes to have
26 been produced from [such] *the* tract by a well drilled
27 [thereon] *on it*.
28 2. Each [such] pooling order shall make provision
29 for the drilling and operation of a well on the spacing
30 unit, and for the payment of the reasonable actual
31 cost [thereof] *of the well* by the owners of interests

32 in the spacing unit, plus a reasonable charge for
 33 supervision. In the event of any dispute as to such
 34 costs the [council] *department* shall determine the
 35 proper costs. If [one or more of the owners] *an owner*
 36 shall drill and operate, or pay the expenses of
 37 drilling and operating the well for the benefit of
 38 others, then, the owner [or owners] so drilling or
 39 operating shall, upon complying with the terms of
 40 section 84.10, have a lien on the share of production
 41 from the spacing unit accruing to the interest of
 42 each of the other owners for the payment of [his] a
 43 proportionate share of [such] *the* expenses. All the
 44 oil and gas subject to the lien shall be marketed
 45 and sold and the proceeds applied in payment of the
 46 expenses secured by [such] *the* lien as provided for
 47 in section 84.10.

48 Sec. 39. Section 84.9, Code 1981, is amended to
 49 read as follows:

50 84.9 VOLUNTARY AGREEMENTS FOR UNIT OPERATION

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1 VALID. An agreement for the unit or co-operative
 2 development and operation of a field or pool, in
 3 connection with the conduct of a repressuring or
 4 pressure maintenance operations, cycling or recycling
 5 operations, including the extraction and separation
 6 of liquid hydrocarbons from natural gas [in connection
 7 therewith], or any other method of operation, including
 8 water floods, [is authorized and] may be performed [and
 9 shall not be held or construed to violate] *without*
 10 *being in violation of* any of the statutes of this
 11 state relating to trusts, monopolies, or contracts
 12 and combinations in restraint of trade, if the
 13 agreement is approved by the [council] *department* as
 14 being in the public interest, protective of correlative
 15 rights, and reasonably necessary to increase ultimate
 16 recovery or to prevent waste of oil or gas. [Such]
 17 *The* agreements bind only the persons who execute them,
 18 and their heirs, successors, assigns, and legal
 19 representatives.

20 Sec. 40. Section 84.11, Code 1981, is amended
 21 to read as follows:

22 84.11 RULES COVERING PRACTICE BEFORE [COUNCIL]
 23 *DEPARTMENT.*

- 24 1. The [council] *committee* shall prescribe rules
- 25 governing the practice and procedure before it.
- 26 2. [No] *An* order[,] or amendment [thereof] *of an order,*
- 27 except in an emergency, shall *not* be made by the

28 [council] *department* without a public hearing upon at
29 least ten days' notice. The public hearing shall
30 be held at [such] *the* time and place [as may be] prescribed
31 by the [council] *committee*, and any interested person
32 [shall be] *is* entitled to be heard.

33 3. When an emergency requiring immediate action
34 is found to exist the [council is authorized to]
35 *department may* issue an emergency order without notice
36 of hearing, which shall be effective upon promulgation.
37 [No] *An* emergency order shall *not* remain effective for
38 more than fifteen days.

39 4. Any notice required by this chapter shall be
40 given at the election of the [council] *department* either
41 by personal service or by letter to the last recorded
42 address and one publication in a newspaper of general
43 circulation in the state capital city and in a
44 newspaper of general circulation in the county where
45 the land affected[,] or some part [thereof,] *of the land*
46 is situated. The notice shall issue in the name of
47 the state, shall be signed by the state geologist,
48 shall specify the style and number of the proceeding,
49 the time and place of the hearing, and shall briefly
50 state the purpose of the proceeding. Should the

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1 [council] *department* elect to give notice by personal
2 service, [such] *the* service may be made by any officer
3 authorized to serve process, or by any agent of the
4 [council] *department*, in the same manner as is provided
5 by law for the service of original notices in civil
6 actions in the district court of the state. Proof
7 of the service by such agent shall be by the affidavit
8 of the person making personal service.

9 5. All orders issued by the [council] *department*
10 shall be in writing, shall be entered in full and
11 indexed in books to be kept by the state geologist
12 for that purpose, and shall be public records open
13 for inspection at all times during reasonable office
14 hours. A copy of any rule or order certified by the
15 state geologist or any officer of the [council]
16 *department* shall be received in evidence in all courts
17 of this state with the same effect as the original.

18 6. The [council] *department* may act upon its own
19 motion, or upon the petition of any interested person.
20 On the filing of a petition concerning any matter
21 within the jurisdiction of the [council] *department*,
22 the [council] *department* shall promptly fix a date for
23 a hearing [thereon,] and shall cause notice of the

24 hearing to be given. The hearing shall be held without
25 undue delay after the filing of the petition. The
26 [council] *department* shall enter its order within thirty
27 days after the hearing.

28 Sec. 41. Section 84.12, Code 1981, is amended
29 to read as follows:

30 84.12 SUMMONING WITNESSES, ADMINISTERING OATHS,
31 REQUIRING PRODUCTION OF RECORDS--HEARING EXAMINERS
32 APPOINTED.

33 1. The [council shall have the power to] *department*
34 *may* summon witnesses, administer oaths, and require
35 the production of records, books, and documents for
36 examination at any hearing or investigation conducted.
37 [No] A person shall *not* be excused from attending and
38 testifying, or from producing books, papers, and
39 records before the [council] *department* or a court,
40 or from obedience to the subpoena of the [council]
41 *department* or a court, on the ground or for the reason
42 that the testimony or evidence, documentary or
43 otherwise, required of [him] *the person* may tend to
44 incriminate [him] *the person* or subject [him] *the person*
45 to a penalty or forfeiture; provided, that nothing
46 herein contained shall be construed as requiring any.
47 *However this subsection does not require a person*
48 *to produce any books, papers, or records, or to testify*
49 *in response to any inquiry not pertinent to some*
50 *question lawfully before [such council] the department*

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1 or court for determination. [No] A natural person [shall
2 be subjected] *is not subject* to criminal prosecution
3 or to any penalty or forfeiture for or on account
4 of any transaction, matter, or thing concerning which,
5 in spite of [his] objections, [he] *the person* may be
6 required to testify or produce *as* evidence, documentary
7 or otherwise, before the [council] *department* or court,
8 or in obedience to subpoena; provided, that no,
9 *However, a person testifying shall not be exempted*
10 *from prosecution and punishment for perjury committed*
11 *in so testifying.*

12 2. In case of failure or refusal on the part of
13 any person to comply with the subpoena issued by the
14 [council] *department*, or in case of the refusal of any
15 witness to testify as to any matter regarding which
16 [he] *the witness* may be interrogated, any court in the
17 state, upon the application of the [council] *department*,
18 may issue an attachment for [such] *the person* and compel
19 [him] *the person* to comply with [such] *the* subpoena, and

20 to attend before the [council] *department* and produce
21 [such] *the* records, books, and documents[,] for
22 examination, and to give [his] testimony. [Such] *The*
23 courts [shall have the power to] *may* punish for contempt
24 as in the case of disobedience to a like subpoena
25 issued by the court, or for refusal to testify [therein].

26 3. The [council] *department* may appoint a hearing
27 examiner or examiners to conduct hearings required
28 by this chapter. When [so] appointed, [such] *the* hearing
29 examiner [or examiners shall have and] *may* exercise
30 all of the powers delegated to the [council] *department*
31 by this section.

32 Sec. 42. Section 84.14, subsection 1, Code 1981,
33 is amended to read as follows:

34 1. Judicial review of *an* action of the [council]
35 *department* may be sought in accordance with the terms
36 of [the Iowa administrative procedure Act] *chapter 17A*.
37 Notwithstanding [the terms of the Iowa administrative
38 procedure Act] *that chapter*, petitions for judicial
39 review may be filed in the district court of Polk
40 county or in the district court of any county in which
41 the property affected or some portion [thereof] *of the*
42 *property* is located.

43 Sec. 43. Section 84.14, subsections 2 and 3, Code
44 1981, are amended by striking the subsections.

45 Sec. 44. Section 84.15, subsections 1 and 2, Code
46 1981, are amended to read as follows:

47 1. The sale, purchase, acquisition, transportation,
48 refining, processing, or handling of illegal oil,
49 illegal gas, or illegal product is [hereby] prohibited.
50 However, [no] *a penalty by way of fine shall not be*

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1 imposed upon a person who sells, purchases, acquires,
2 transports, refines, processes, or handles illegal
3 oil, illegal gas, or illegal product unless:

4 a. [Such] *The* person knows, or is put on notice,
5 of facts indicating that illegal oil, illegal gas,
6 or illegal product is involved[, or].

7 b. [Such] *The* person fails to obtain a certificate
8 of clearance with respect to [such] *the* oil, gas, or
9 product where prescribed by order of the [council]
10 *department*, or fails to follow any other method
11 prescribed by an order of the [council] *department* for
12 the identification of [such] *the* oil, gas or product.

13 2. Illegal oil, illegal gas, and illegal product
14 are declared to be contraband and are subject to
15 seizure and sale [as herein provided]; seizure and sale

16 to be in addition to any [and all] other remedies and
 17 penalties provided in this chapter for violations
 18 relating to illegal oil, illegal gas, or illegal
 19 product. [Whenever] *When* the [council] *department* believes
 20 that any oil, gas or product is illegal, the [council]
 21 *department* acting by the attorney general, shall bring
 22 a civil action in rem in the district court of the
 23 county where [such] *the* oil, gas, or product is found,
 24 to seize and sell the same, or the [council] *department*
 25 may include [such] an action in rem for the seizure
 26 and sale of illegal oil, illegal gas, or illegal
 27 products in any suit brought for an injunction or
 28 penalty involving illegal oil, illegal gas, or illegal
 29 product. Any person claiming an interest in oil,
 30 gas, or product affected by [any such] *the* action [shall
 31 have the right to] *may* intervene as an interested party
 32 in [such] *the* action.

33 Sec. 45. Section 84.16, Code 1981, is amended
 34 to read as follows:

35 84.16 PENALTIES.

36 1. Any person who violates any provision of this
 37 chapter, or any rule or order of the [council] *department*
 38 where no other penalty is provided [shall be] *is* guilty
 39 of a simple misdemeanor.

40 2. If any person, for the purpose of evading this
 41 chapter, or any rule or order of the [council]
 42 *department*, [shall make] *makes* or [cause] *causes* to be
 43 made any false entry or statement in a report required
 44 by this chapter or by any [such] rule or order, or [shall
 45 make] *makes* or [cause] *causes* to be made any false entry
 46 in any record, account, or memorandum required by
 47 this chapter, or by any [such] rule or order, or [shall
 48 omit] *omits*, or [cause] *causes* to be omitted, from any
 49 [such] record, account, or memorandum, full, true, and
 50 correct entries as required by this chapter, or by

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1 any [such] rule or order, or [shall remove] *removes* from
 2 this state or [destroy, mutilate, alter] *destroys*,
 3 *mutilates*, *alters*, or [falsify] *falsifies* any such
 4 record, account, or memorandum, [such] *the* person [shall
 5 be] *is* guilty of a fraudulent practice.

6 3. Any person knowingly aiding or abetting any
 7 other person in the violation of any provision of
 8 this chapter, or any rule or order of the [council]
 9 shall be] *department is* subject to the same penalty
 10 as that prescribed by this chapter for the violation
 11 by [such] *the* other person.

12 Sec. 46. Section 84.17, Code 1981, is amended
13 to read as follows:

14 84.17 ACTION TO RESTRAIN VIOLATION OR THREATENED
15 VIOLATION.

16 1. [Whenever] *If* it appears that any person is
17 violating or threatening to violate any provision
18 of this chapter, or any rule or order of the [council]
19 *department*, the [council] *department* shall bring suit
20 against [such] *the* person in the district court of any
21 county where the violation occurs or is threatened,
22 to restrain [such] *the* person from continuing [such] *the*
23 violation or from carrying out the threat of violation.
24 In [any such] *the* suit, the court [shall have] *has*
25 jurisdiction to grant to the [council] *department*,
26 without bond or other undertaking, [such] *the* prohibitory
27 and mandatory injunctions as the facts may warrant,
28 including temporary restraining orders, preliminary
29 injunctions, temporary, preliminary, or final orders
30 restraining the movement or disposition of any illegal
31 oil, illegal gas, or illegal product, any of which
32 the court may order to be impounded or placed in the
33 custody of an agent appointed by the court.

34 2. If the [council shall fail] *department fails*
35 to bring suit to enjoin a violation or threatened
36 violation of any provision of this chapter, or any
37 rule or order of the [council] *department*, within ten
38 days after receipt of written request to do so by
39 any person who is or will be adversely affected by
40 [such] *the* violation, the person making [such] *the* request
41 may bring suit in [his] *the person's* own behalf to
42 restrain [such] *the* violation or threatened violation
43 in any court in which the [council] *department* might
44 have brought suit. The [council] *department* shall be
45 made a party defendant in [such] *the* suit in addition
46 to the person violating or threatening to violate
47 a provision of this chapter, or a rule or order of
48 the [council] *department*, and the action shall proceed
49 and injunctive relief may be granted to the [council]
50 *department* or the petitioner without bond in the same

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1 manner as if suit had been brought by the [council]
2 *department*.

3 Sec. 47. Section 108.7, unnumbered paragraph 2,
4 Code 1981, is amended to read as follows:

5 Any action taken by the commission under [the
6 provisions of] this section [shall be] *is* subject to
7 the approval of the [Iowa natural resources council]

8 *department of environmental quality.*

9 Sec. 48. Section 109.15, Code 1981, is amended
10 to read as follows:

11 109.15 INJURY TO DAM. It [shall be] *is* unlawful
12 for any owner or [his] *the owner's* agent to remove or
13 destroy any existing dam, or alter it in a way so
14 as to lower the water level, without having received
15 written approval from the [Iowa natural resources
16 council] *department of environmental quality.*

17 Sec. 49. Section 111.4, unnumbered paragraph 1,
18 Code 1981, is amended to read as follows:

19 [No] A person, association or corporation shall *not*
20 build or erect any pier, wharf, sluice, piling, wall,
21 fence, obstruction, building or erection of any kind
22 upon or over any state-owned land or water under the
23 jurisdiction of the commission, without first obtaining
24 from [such] *the* commission a written permit[, provided,
25 however, that. *However, this provision [shall] does*
26 not apply to dams constructed and operated under [the
27 authority of] chapter 469. [No such] A permit, in matters
28 relating to or in any manner affecting flood control,
29 shall *not* be issued without approval of the [Iowa
30 natural resources council] *department of environmental*
31 *quality.* [No] A person shall *not* maintain or erect
32 any structure beyond the line of private ownership
33 along or upon the shores of state-owned waters in
34 [such] a manner [as] to obstruct the passage of pedestrians
35 along the shore between the ordinary high-water mark
36 and the water's edge, except by permission of the
37 commission.

38 Sec. 50. Section 111.18, Code 1981, is amended
39 to read as follows:

40 111.18 JURISDICTION. Jurisdiction over all
41 meandered streams and lakes of this state and of state
42 lands bordering thereon, not now used by some other
43 state body for state purposes, is conferred upon the
44 commission. The exercise of this jurisdiction [shall
45 be] *is* subject to the approval of the [Iowa natural
46 resources council] *department of environmental quality*
47 in matters relating to or in any manner affecting
48 flood control. The commission, with the approval
49 of the executive council, may establish parts of [such]
50 *the* property into state parks, and when so established

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1 all of the provisions of this chapter relative to
2 public parks [shall] apply [thereto] *to the property.*
3 Sec. 51. Section 111.62, Code 1981, is amended

4 to read as follows:

5 111.62 COPY TO [RESOURCES COUNCIL] DEPARTMENT.

6 A copy of the petition and [such] *the* applications,
7 plans, and specifications [as are] required under [the
8 provisions of] chapter 455A shall be filed with the
9 [Iowa natural resources council] *department of*
10 *environmental quality* and any approval or permit
11 required [thereunder] *under chapter 455A* shall be
12 obtained prior to the establishment of [said] *the* water
13 recreational area or the granting of a permit [therefor]
14 *for the area* by the state conservation commission.

15 Sec. 52. Section 111D.1, Code 1981, is amended
16 to read as follows:

17 111D.1 ACQUISITION BY OTHER THAN CONDEMNATION.

18 The state conservation commission, the [Iowa natural
19 resources council] *department of environmental quality*,
20 any county conservation board, and any city or agency
21 [thereof] *of a city* may acquire by purchase, gift,
22 contract, or other voluntary means, but not by eminent
23 domain, conservation easements in land to preserve
24 scenic beauty, wildlife habitat, riparian lands, wet
25 lands, or forests, promote outdoor recreation, or
26 otherwise conserve for the benefit of the public the
27 natural beauty, natural resources, and public
28 recreation facilities of the state.

29 Sec. 53. Section 112.3, Code 1981, is amended
30 to read as follows:

31 112.3 HEARING—DAMAGES. After [said] *the* approval
32 the commission, if it wishes to proceed further with
33 the project, shall, with the consent of the [Iowa
34 natural resources council] *department of environmental*
35 *quality*, fix a date of hearing not less than two weeks
36 from date of approval of the plan. Notice of the
37 day, hour and place of hearing, relative to proposed
38 work, shall be provided by publication at least once
39 a week for two consecutive weeks in some newspaper
40 of general circulation published in the county where
41 the project is located, or in the [county or] counties
42 where the water elevations are affected, under the
43 tentative plan approved. The last [of such] publication
44 [or publications] shall not be less than five days prior
45 to the day set for hearing. Any claim by any persons
46 [whomsoever,] for damages which may be caused by [said]
47 *the* project shall be filed with the commission at
48 or prior to the time of the hearing [provided herein].

49 Sec. 54. Section 308.1, Code 1981, is amended
50 to read as follows:

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1 308.1 PLANNING COMMISSION. The Mississippi parkway
2 planning commission shall be composed of ten members
3 appointed by the governor, five members to be appointed
4 for two-year terms beginning July 1, 1959, and five
5 members to be appointed for four-year terms beginning
6 July 1, 1959. In addition to the above members there
7 shall be seven advisory ex officio members who shall
8 be as follows: One member from the state
9 transportation commission, one member from the state
10 conservation commission, one member from the Iowa
11 state soil conservation commission, one member from
12 the state historical society of Iowa, one member from
13 the faculty of the landscape architectural division
14 of the Iowa [State University] *state university* of
15 science and technology, one member from the Iowa
16 development commission, and one member from the [natural
17 resources council] *department of environmental quality*.
18 Members and ex officio members shall serve without
19 pay, but the actual and necessary expenses of members
20 and ex officio members may be paid if the commission
21 so orders and if the commission has funds available
22 for [such] *that* purpose.

23 Sec. 55. Section 357A.1, subsection 7, Code 1981,
24 is amended by striking the subsection and inserting
25 in lieu thereof the following:

26 7. "Department" means the department of
27 environmental quality.

28 Sec. 56. Section 357A.5, Code 1981, is amended
29 to read as follows:

30 357A.5 WHO MAY BE HEARD. At the hearing on the
31 petition, any owner or occupant of land within the
32 boundaries of the area described in the petition may
33 appear, in person or by [his] *a* designated
34 representative, and any representative of the [council]
35 *department* may also appear, in favor of or in
36 opposition to the incorporation and organization of
37 the proposed district. [Such] *The* appearances may also
38 be filed in writing prior to the time set for the
39 hearing.

40 Sec. 57. Section 357A.12, Code 1981, is amended
41 to read as follows:

42 357A.12 PLANS AND SPECIFICATIONS. As soon as
43 reasonably possible after incorporation of a district,
44 the board shall file with the supervisors and the
45 [council] *department* copies of the plans and
46 specifications for, and estimates of the cost of,
47 any improvements authorized by this chapter which

48 the board proposes to construct or acquire. The board
49 shall determine a reasonable fee which each member
50 shall pay for the privilege of utilizing the district's

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1 facilities which shall be known as a benefit unit.
2 Benefit units may be classified. The board, by
3 publication in a newspaper of general circulation
4 in the district, shall generally describe the planned
5 improvements, the area to be served and the fee members
6 will be required to pay for each service connected
7 to the water system.

8 Sec. 58. Section 357A.19, Code 1981, is amended
9 to read as follows:

10 **357A.19 NOT EXEMPT FROM OTHER REQUIREMENTS.**

11 [Nothing in this] *This* chapter [shall be construed to]
12 *does not exempt* any district from the requirements
13 of any other statute, whether enacted prior to or
14 subsequent to July 1, 1970, under which the district
15 is required to obtain the permission or approval of,
16 or to notify, the [council] *department*, the Iowa commerce
17 commission, or any other agency of this state or of
18 any of its political subdivisions prior to proceeding
19 with construction, acquisition, operation, enlargement,
20 extension, or alteration of any works or facilities
21 which the district is authorized to undertake pursuant
22 to this chapter.

23 Sec. 59. Section 358.9, unnumbered paragraph 3,
24 Code 1981, is amended to read as follows:

25 In cases where the state of Iowa owns at least
26 four hundred acres of land contiguous to lakes within
27 [said] *the* district, [then and only then the Iowa natural
28 resources council] *the state conservation commission*
29 shall appoint two members of [said] *the* board of trustees
30 in addition to the three members [hereinbefore] provided
31 in this section. The additional two members shall
32 be [qualified as follows: They shall be] United States
33 citizens, not less than eighteen years of age, and
34 [shall be] property owners within [said] *the* district.
35 [In such cases the] *The* two additional appointive members
36 shall have equal vote and authority with other members
37 of trustees and shall hold office at the pleasure
38 of the [Iowa natural resources council] *state*
39 *conservation commission*.

40 Sec. 60. Section 358A.24, Code 1981, is amended
41 to read as follows:

42 **358A.24 CONFLICT WITH OTHER REGULATIONS.** [Wherever]
43 *If* the regulations made under [authority of] this chapter

44 require a greater width or size of yards, courts or
45 other open spaces, or require a lower height of
46 building or less number of stories, or require a
47 greater percentage of lot to be left unoccupied, or
48 impose other higher standards than are required in
49 any other statute or local ordinance or regulation,
50 the [provisions of the] regulations made under [authority

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1 of] this chapter [shall] govern. [Wherever the provisions
2 of] *If* any other statute or local ordinance or
3 regulation [require] *requires* a greater width or size
4 of yards, courts or other open spaces, or [require]
5 *requires* a lower height of building or a less number
6 of stories, or [require] a greater percentage of lot
7 to be left unoccupied, or [impose] *imposes* other higher
8 standards than are required by the regulations made
9 under [authority of] this chapter, the [provisions of
10 such] *other* statute or local ordinance or regulation
11 [shall govern] *governs*. [Wherever any] *If* a regulation
12 proposed or made under [authority of] this chapter
13 relates to any structure, building, dam, obstruction,
14 deposit or excavation in or on the flood plains of
15 any river or stream, prior approval of the [Iowa natural
16 resources council shall be] *department of environmental*
17 *quality is* required to establish, amend, supplement,
18 change, or modify [such] *the* regulation or to grant
19 any variation or exception [therefrom] *from the*
20 *regulation*.

21 Sec. 61. Section 414.21, Code 1981, is amended
22 to read as follows:

23 414.21 CONFLICTING RULES, ORDINANCES, AND STATUTES.

24 [Wherever] *If* the regulations made under [authority of]
25 this chapter require a greater width or size of yards,
26 courts or other open spaces, or [require] a lower height
27 of building or less number of stories, or [require]
28 a greater percentage of lot to be left unoccupied,
29 or impose other higher standards than are required
30 in any other statute or local ordinance or regulation,
31 the [provisions of the] regulations made under [authority
32 of] this chapter [shall] govern. [Wherever the provisions
33 of] *If* any other statute or local ordinance or
34 regulation [require] *requires* a greater width or size
35 of yards, courts or other open spaces, or [require]
36 a lower height of building or a less number of stories,
37 or [require] a greater percentage of lot to be left
38 unoccupied, or impose other higher standards than
39 are required by the regulations made under [authority

40 of] this chapter, the [provisions of such] *other statute*
41 or local ordinance or regulation [shall govern] *governs*.
42 [Wherever any] *If a regulation proposed or made under*
43 [authority of] this chapter relates to any structure,
44 building, dam, obstruction, deposit or excavation
45 in or on the flood plains of any river or stream,
46 prior approval of the [Iowa natural resources council
47 shall be] *department of environmental quality is*
48 required to establish, amend, supplement, change or
49 modify [such] *the regulation or to grant any variation*
50 or exception [therefrom] *from the regulation*.

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1 Sec. 62. Section 427.1, subsection 33, Code 1981,
2 is amended to read as follows:
3 33. IMPOUNDMENT STRUCTURES. The impoundment
4 structure and any land underlying an impoundment
5 located outside any incorporated city, which are not
6 developed or used directly or indirectly for
7 nonagricultural income-producing purposes and which
8 are maintained in a condition satisfactory to the
9 soil conservation district commissioners of the county
10 in which the impoundment structure and the impoundment
11 are located. Any person owning land which qualifies
12 for a property tax exemption under this subsection
13 shall apply to the county assessor each year before
14 the first of July for the exemption. The application
15 shall be made on forms prescribed by the department
16 of revenue. The first application shall be accompanied
17 by a copy of the water storage permit approved by
18 the [water commissioner of the Iowa natural resources
19 council] *department of environmental quality* and a
20 copy of the plan for the construction of the
21 impoundment structure and the impoundment. The
22 construction plan shall be used to determine the total
23 acre-feet of the impoundment and the amount of land
24 which is eligible for the property tax exemption
25 status. The county assessor shall annually review
26 each application for the property tax exemption under
27 this subsection and submit it, with the recommendation
28 of the soil conservation district commissioners, to
29 the board of supervisors for approval or denial.
30 Any applicant for a property tax exemption under this
31 subsection may appeal the decision of the board of
32 supervisors to the district court. As used in this
33 subsection, "impoundment" means any reservoir or pond
34 which has a storage capacity of at least eighteen
35 acre-feet of water or sediment at the time of

36 construction; "storage capacity" means the total area
 37 below the crest elevation of the principal spillway
 38 including the volume of any excavation in such area;
 39 and "impoundment structure" means any dam, earthfill
 40 or other structure used to create an impoundment.
 41 Sec. 63. Section 455.18, unnumbered paragraph
 42 2, Code 1981, is amended to read as follows:
 43 Where the proposed district contemplates as its
 44 object flood control or soil conservation the engineer
 45 shall include in [his] *the* report data describing any
 46 soil conservation or flood control improvements, the
 47 nature [thereof] *of the improvements*, and [such] other
 48 [additional] data as [shall be] prescribed by the [Iowa
 49 natural resources council] *department of environmental*
 50 *quality*.

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1 Sec. 64. Section 455B.53, subsection 6, Code 1981,
 2 is amended to read as follows:
 3 6. [Two members] *One member* who [shall not be] *is*
 4 *not a* certificated waterworks [operators] *operator* or
 5 certificated waste waterworks [operators] *operator*,
 6 but who shall be interested and knowledgeable in water
 7 supply or waste water collection and treatment, and
 8 who shall represent the general public.
 9 Sec. 65. Section 455B.53, Code 1981, is amended
 10 by adding the following new subsection:
 11 *NEW SUBSECTION.* One member who is a director of
 12 the board of a rural water district established under
 13 chapter 357A.
 14 Sec. 66. Section 467A.3, subsection 15, Code 1981,
 15 is amended by striking the subsection.
 16 Sec. 67. Section 467A.4, subsections 1 and 3,
 17 Code 1981, are amended to read as follows:
 18 1. There is [hereby] established, to serve as an
 19 agency of the state and to perform the functions
 20 conferred upon it in this chapter, the department
 21 of soil conservation. The department shall be
 22 administered in accordance with the policies of the
 23 state soil conservation committee, which shall approve
 24 administrative rules proposed by the department before
 25 the rules are [promulgated] *adopted* pursuant to chapter
 26 17A. The state soil conservation committee shall
 27 consist of a chairperson and twelve members. The
 28 following shall serve as ex officio nonvoting members
 29 of the committee: The director of the state
 30 agricultural extension service, or the director's
 31 designee, the secretary of agriculture[,] or the

32 secretary's designee, the director of the state
33 conservation commission or the director's designee,
34 and the *executive* director of the [Iowa natural
35 resources council] *department of environmental quality*
36 or the *executive* director's designee. Eight voting
37 members shall be appointed by the governor subject
38 to confirmation by the senate. Six of the appointive
39 members shall be persons engaged in actual farming
40 operations, one of whom shall be a resident of each
41 of the six conservancy districts established by section
42 467D.3, and no more than one of whom shall be a
43 resident of any one county. The seventh and eighth
44 appointive members shall be chosen by the governor
45 from the state at large with one appointed to be a
46 representative of cities and one appointed to be a
47 representative of the mining industry. The committee
48 may invite the secretary of agriculture of the United
49 States to appoint one person to serve with the above-
50 mentioned members, and the president of the Iowa

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1 county engineers association may designate a member
2 of the association to serve in the same manner, but
3 these persons shall have no vote and shall serve in
4 an advisory capacity only. [The director of the
5 department of environmental quality shall be an ex
6 officio nonvoting member.] The committee shall adopt
7 a seal, which seal shall be judicially noticed, and
8 may perform acts, hold public hearings, and [promulgate]
9 *adopt* rules as provided in chapter 17A as necessary
10 for the execution of its functions under this chapter.
11 3. The committee shall designate its chairperson,
12 and may change [such] *the* designation. The members
13 appointed by the governor shall serve for a period
14 of six years. Members shall be appointed in each
15 odd-numbered year to succeed members whose terms
16 expire as provided by section 69.19. Appointments
17 may be made at other times and for other periods as
18 [are] necessary to fill vacancies on the committee.
19 Members shall not be appointed to serve more than
20 two complete six-year terms. Members designated to
21 represent the secretary of agriculture, director of
22 the state conservation commission, or the *executive*
23 director of the [Iowa natural resources council]
24 *department of environmental quality* shall serve at
25 the pleasure of the officer making the designation.
26 A majority of the voting members of the committee
27 constitutes a quorum, and the concurrence of a majority

28 of the voting members of the committee in any matter
 29 within their duties [shall be] *is* required for its
 30 determination. The chairperson and members of the
 31 committee, not otherwise in the employ of the state,
 32 or any political subdivision, shall receive forty
 33 dollars per diem as compensation for their services
 34 in the discharge of their duties as members of the
 35 committee. The committee shall determine the number
 36 of days for which any committee member may draw per
 37 diem compensation, but the total number of days for
 38 which per diem compensation is allowed for the entire
 39 committee shall not exceed four hundred days per year.
 40 They [shall] *are* also [be] entitled to expenses, including
 41 traveling expenses, necessarily incurred in the
 42 discharge of their duties as members of the committee.
 43 The per diem and expenses paid to the committee members
 44 shall be paid from funds appropriated to the committee.
 45 The committee shall provide for the execution of
 46 surety bonds for all employees and officers who [shall
 47 be] *are* entrusted with funds or property, shall provide
 48 for the keeping of a full and accurate record of all
 49 proceedings and of all resolutions, regulations, and
 50 orders issued or adopted, and shall provide for an

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1 annual audit of the accounts of receipts and
 2 disbursements.
 3 Sec. 68. Section 467A.4, subsection 4, paragraph
 4 n, subparagraph (5), Code 1981, is amended by striking
 5 the subparagraph.
 6 Sec. 69. Section 467C.5, Code 1981, is amended
 7 to read as follows:
 8 467C.5 APPROVAL OF COMMISSIONERS. [No] A district
 9 shall *not* be established by any board of supervisors
 10 under this chapter unless the organization of [such]
 11 *the* district is approved by the commissioners of any
 12 soil conservation district established under the
 13 provisions of chapter 467A and which is included all
 14 or in part within [such] *the* district, nor shall any
 15 such district be established without the approval
 16 of the state conservation commission and the [Iowa
 17 natural resources council] *department of environmental*
 18 *quality*.
 19 Sec. 70. Section 467D.2, subsection 3, Code 1981,
 20 is amended by striking the subsection.
 21 Sec. 71. Section 467D.6, subsections 1 and 11,
 22 Code 1981, are amended to read as follows:
 23 1. Exercise [such] supervision over the water

24 resources of the conservancy district, including water
 25 in any basin, watercourse, or other body of water
 26 in the conservancy district, and have authority to
 27 [promulgate] *adopt* and repeal, with approval of the
 28 department, and enforce [such] rules, except those rules
 29 relating to water resources under the authority of
 30 [the council and] the department of environmental
 31 quality, as necessary to achieve the objectives of
 32 this chapter as set forth in section 467D.1.

33 11. Maintain at its office a record of all the
 34 conservancy district's proceedings, rules and orders,
 35 and furnish copies [thereof] *of them* to the department
 36 and the [council] *department of environmental quality*
 37 upon request.

38 Sec. 72. Section 467D.16, unnumbered paragraph
 39 1, Code 1981, is amended to read as follows:

40 The board shall prepare a plan for accomplishment
 41 of the objectives of this chapter within the
 42 conservancy district. For this purpose the board
 43 may request and shall obtain from any state agency
 44 or political subdivision information which the agency
 45 or subdivision may have already collected which is
 46 pertinent to preparation of the plan, and may conduct
 47 [such] hearings [as] it deems necessary. The plan shall
 48 establish an order of priorities for carrying out
 49 projects necessary to accomplish the objectives of
 50 this chapter, shall conform as nearly as practicable

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1 to the comprehensive state-wide water resources plan
 2 established by the [council] *department of environmental*
 3 *quality* pursuant to section [455A.17] *11 of this Act*
 4 and shall reflect the following general policies:

5 Sec. 73. Section 467D.17, Code 1981, is amended
 6 to read as follows:

7 467D.17 PLAN PRESENTED TO DEPARTMENT AND COUNCIL.

8 The board shall tentatively adopt the plan by
 9 resolution and shall present the plan to the department
 10 and the [council] *department of environmental quality*
 11 for review. The [council] *department of environmental*
 12 *quality* shall within ninety days review the plan as
 13 presented and make [such] recommendations [as] *which*,
 14 in its discretion, it deems necessary to bring the
 15 conservancy district's plan into conformity with the
 16 comprehensive state-wide water resources plan
 17 established by the [council] *department of environmental*
 18 *quality* pursuant to section [455A.17] *12 of this Act*.

19 The department shall review the plan as presented

20 and, with such amendments [as are] necessary to bring
21 the plan into conformity with the state-wide water
22 resources plan, give final approval within one hundred
23 twenty days.

24 Sec. 74. Section 467D.19, Code 1981, is amended
25 to read as follows:

26 467D.19 IMPLEMENTATION. After final approval
27 of the plan, the board shall begin to implement the
28 plan as expeditiously as possible, within the
29 limitations of available appropriations and other
30 financial resources. When implementation of the plan
31 involves construction or improvement of any internal
32 improvement by the conservancy district, the board
33 may order the preparation of detailed plans and
34 specifications, and a refined cost estimate. Upon
35 completion of [such] *the* plans, specifications and cost
36 estimate to [their] *its* satisfaction, the board shall
37 adopt [the same] *them*, subject to the approval of the
38 department, and shall let [the contract or] contracts
39 [therefor] in accordance with section 467D.20. Any
40 approval or permits from the [council] *department of*
41 *environmental quality* required under other [provisions
42 of] law shall be obtained by the conservancy district
43 prior to initiation of any construction activity.

44 Sec. 75. Section 469.1, Code 1981, is amended
45 to read as follows:

46 469.1 PROHIBITION-PERMIT. [No] A dam shall *not*
47 be constructed, maintained, or operated in this state
48 in any navigable or meandered stream for any purpose,
49 or in any other stream for manufacturing or power
50 purposes, nor shall any water be taken from [such] *the*

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1 streams for industrial purposes, unless a permit has
2 been granted by the [Iowa natural resources council]
3 *department of environmental quality* to the person,
4 firm, corporation, or municipality constructing,
5 maintaining, or operating the [same] *dam*.

6 Sec. 76. Section 469.2, unnumbered paragraph 1
7 and subsection 6, Code 1981, are amended to read as
8 follows:

9 Any person, firm, corporation, or municipality
10 making application for a permit to construct, maintain,
11 or operate a dam in any of the waters, including
12 canals, raceways, and other constructions necessary
13 or useful in connection with the development and
14 utilization of the water or water power, shall file
15 with the [Iowa natural resources council] *department*

16 of *environmental quality* a written application, which
17 shall contain the following information:

18 6. [Such] *Any* additional information [as may be]
19 required by the [Iowa natural resources council]
20 *department of environmental quality*.

21 Sec. 77. Section 469.3, Code 1981, is amended
22 to read as follows:

23 469.3 NOTICE OF HEARING. When [any] *an* application
24 for a permit to construct, maintain, or operate a
25 dam [from and] after the passage of this chapter is
26 received, the [Iowa natural resources council] *department*
27 *of environmental quality* shall fix a time for hearing,
28 and it shall give notice of the time and place of
29 [such] *the* hearing by publication once each week for
30 two successive weeks in at least one newspaper in
31 each county in which riparian lands will be affected
32 by the dam.

33 Sec. 78. Section 469.4, Code 1981, is amended
34 to read as follows:

35 469.4 HEARING. At the time fixed for [such] *the*
36 hearing or at any adjournment [thereof] *of the hearing*,
37 the [council] *department of environmental quality* shall
38 take evidence offered by the applicant and any other
39 person, either in support of or in opposition to the
40 proposed construction.

41 Sec. 79. Section 469.5, Code 1981, is amended
42 to read as follows:

43 469.5 WHEN PERMIT GRANTED. If it [shall appear]
44 *appears* to the [council] *department of environmental*
45 *quality* that the construction, operation, or
46 maintenance of the dam will not materially obstruct
47 existing navigation, [or] materially affect other public
48 rights, [will not] *or* endanger life or public health,
49 and any water taken from the stream in connection
50 with the project, excepting water taken by a

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1 municipality for distribution in its water mains,
2 is returned [thereto] *to the stream* at the nearest
3 practicable place without being materially diminished
4 in quantity [or], polluted or rendered deleterious to
5 fish life, it shall grant the permit, upon [such] *the*
6 terms and conditions as it may prescribe.

7 Sec. 80. Section 469.9, unnumbered paragraph 1,
8 Code 1981, is amended to read as follows:

9 Every person, firm, or corporation, [excepting]
10 *except* a municipality, to whom a permit is granted
11 to construct or to maintain and operate a dam already

12 constructed in or across any stream for the purpose
 13 [herein] specified *in this chapter*, shall pay to the
 14 [Iowa natural resources council] *department of*
 15 *environmental quality* a permit fee of one hundred
 16 dollars and shall pay an annual inspection and license
 17 fee, to be fixed by the [Iowa natural resources council]
 18 *environmental quality commission*, on or before the
 19 first day of January, 1925, and annually thereafter,
 20 but in no case shall the annual inspection and license
 21 fee be less than twenty-five dollars. All fees shall
 22 be paid into the general fund of the state treasury.

23 Sec. 81. Section 469.10, Code 1981, is amended
 24 to read as follows:

25 469.10 CONSTRUCTION AND OPERATION. The [Iowa
 26 natural resources council] *department of environmental*
 27 *quality* shall investigate methods of construction,
 28 reconstruction, operation, maintenance, and equipment
 29 of dams[, so as] to determine the best methods to
 30 conserve and protect as far as possible all public
 31 and riparian rights in the waters of the state and
 32 [so as] to protect the life, health, and property of
 33 the general public; and the method of construction,
 34 operation, maintenance, and equipment of [any and] all
 35 dams of any character or for any purpose in [such] *the*
 36 waters [shall be] *is* subject to the approval of the
 37 [Iowa natural resources council] *department of*
 38 *environmental quality*.

39 Sec. 82. Section 469.11, Code 1981, is amended
 40 to read as follows:

41 469.11 ACCESS TO WORKS. [Such council or any
 42 member, agent, or employee thereof] *The department*
 43 *of environmental quality* shall at all times be accorded
 44 full access to all parts of any dam and its
 45 appurtenances being constructed, operated, or
 46 maintained in such waters.

47 Sec. 83. Section 469.12, Code 1981, is amended
 48 to read as follows:

49 469.12 DUTY TO ENFORCE STATUTES. [It shall be
 50 the duty of the council to] *The department of*

Page 40

1 *environmental quality* shall require that all existing
 2 statutes of the state, including [the provisions of]
 3 this chapter, with reference to the construction of
 4 dams, [shall be] *are* enforced.

5 Sec. 84. Section 469.26, Code 1981, is amended
 6 to read as follows:

7 469.26 REVOCATION OR FORFEITURE OF PERMIT. If

8 the person to whom a permit is issued under [the
9 provisions of] this chapter does not begin the
10 construction or the improvement of the dam or raceway
11 within one year from the date of the granting of the
12 permit, [his] *the* permit may be revoked by the [Iowa
13 natural resources council] *department of environmental*
14 *quality*, and if any permit holder does not finish
15 and have in operation the plant for which the dam
16 is constructed within three years after the granting
17 of the permit, unless for good cause shown the [council]
18 *department* has extended the time for completion, [such]
19 *the* permit shall be forfeited.

20 Sec. 85. Section 469.29, Code 1981, is amended
21 to read as follows:

22 469.29 PERMITS FOR EXISTING DAMS. All licenses
23 and permits issued by the state executive council
24 prior to April 17, 1949, or *by the Iowa natural*
25 *resources council prior to July 1, 1983, and in force*
26 *immediately prior to July 1, 1983,* are [hereby declared
27 to be] in full force and effect and all of the powers
28 of administration relating to licenses or permits
29 [heretofore] issued are [hereby] vested in the [Iowa natural
30 resources council] *department of environmental quality.*

31 Sec. 86. PRIOR ACTIONS.

32 1. A rule adopted, permit or order issued, or
33 approval given under chapter 108, 109, 111, 112, 357A,
34 358A, 414, 427, 455A, 467A, 467C, or 467D, before
35 the effective date of this Act and in force just prior
36 to the effective date of this Act, by the Iowa natural
37 resources council or its director remains effective
38 until modified or rescinded by action of the department
39 of environmental quality or its executive director
40 unless the rule, order, permit, or approval is
41 inconsistent with or contrary to this Act.

42 2. A rule adopted, permit or order issued, or
43 approval given by the state department of health or
44 the commissioner of public health relating to private
45 water supply systems, private sewage disposal systems,
46 or water wells under chapter 135, before the effective
47 date of this Act and in force just prior to the
48 effective date of this Act remains effective until
49 modified or rescinded by action of the department
50 of environmental quality or its executive director

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1 unless the rule, order, permit, or approval is
2 inconsistent with or contrary to this Act.
3 3. A rule adopted, permit or order issued or

4 approval given under chapter 84 before the effective
5 date of this Act and in force just prior to the
6 effective date of this Act, by the Iowa natural
7 resources council or its director remains effective
8 until modified or rescinded by action of the department
9 of soil conservation unless the rule, order, permit,
10 or approval is inconsistent with or contrary to this
11 Act.

12 Sec. 87. EMPLOYEE TRANSFER OR TERMINATION. The
13 employees of the Iowa natural resources council
14 employed pursuant to chapter 455A, whose duty
15 assignments are not terminated or otherwise combined
16 because of this Act are transferred to the department
17 of environmental quality. However, an employee whose
18 duty assignment is terminated because of this Act
19 may be reassigned to other duties. The Iowa merit
20 employment commission shall adopt rules to carry out
21 the reassignment or transfer and shall arbitrate and
22 decide a written appeal made by an employee concerning
23 a transfer, reassignment, or reclassification made
24 necessary by this Act. An employee shall not lose
25 benefits accrued, including but not limited to salary,
26 retirement, vacation, or sick leave, because of
27 transfer or reassignment.

28 Sec. 88. EFFECTIVE DATE--TRANSITION. The effective
29 date of this Act is July 1, 1983, except that this
30 section is effective January 1, 1983. After January
31 1, 1983, the governor may authorize the environmental
32 quality commission, the executive director of the
33 department of environmental quality, the state soil
34 conservation committee and the director of soil
35 conservation to plan for the transfer of powers,
36 duties, records, equipment, other property, and
37 personnel as provided in this Act.

38 The terms of office of the members of the Iowa
39 natural resources council expire effective July 1,
40 1983.

41 Sec. 89. Chapter 455A and sections 84.13 and
42 135.20, Code 1981, are repealed."

43 2. Amend the title, by striking lines 1 through
44 11 and inserting in lieu thereof the following: "An
45 Act to consolidate the management and regulation of
46 water resources by transferring to the department
47 of environmental quality and the department of soil
48 conservation the powers and duties of the Iowa natural
49 resources council and the powers and duties of the
50 state department of health relating to the regulation

- 2 of private water systems and water wells and private
- 3 sewage disposal systems, making corresponding
- 4 amendments to the Code, and providing civil penalties
- 5 for violations and an effective date."

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chair

S-5463

- 1 Amend House File 2218 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 3 the following:
- 4 "3. This chapter does not apply to the sale of
- 5 any personal property by a person who is subject to
- 6 chapter 566 or 566A."

CHARLES P. MILLER

S-5464

- 1 Amend House File 2218 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "*earnings*," the word "*agreements*,"
- 5 2. By striking page 1, line 21 through page 2,
- 6 line 8.
- 7 3. Page 2, by striking lines 23 and 24 and
- 8 inserting in lieu thereof the words "*the respective*
- 9 *financial institutions and the date of each agreement*."

CHARLES P. MILLER

S-5465

- 1 Amend House File 2218 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Chapter 523A, Code 1981, is repealed
- 6 and sections 2 through 31 of this Act are inserted
- 7 in lieu thereof.
- 8 Sec. 2. *NEW SECTION. PURPOSE AND SCOPE.* The
- 9 purpose of this chapter is to provide security for
- 10 the performance of contracts under which individuals
- 11 arrange to obtain and pay in advance for goods or
- 12 services to be used in connection with the final
- 13 disposition of their own bodies or those of other
- 14 persons after death. Except as provided in section
- 15 3 of this Act, this chapter applies to any contract
- 16 that contains these provisions, including but not

17 limited to a contract for the sale of goods or
 18 services, or a contract to procure goods or services
 19 as an agent or independent contractor on behalf of
 20 the buyer.

21 Sec. 3. *NEW SECTION. EXEMPTIONS.* This chapter
 22 does not apply to any of the following:

23 1. A contract requiring the immediate delivery
 24 of all goods or services to be furnished.

25 2. A contract that is subject to regulation under
 26 Title XX, relating to insurance.

27 3. A trust agreement having substantial purposes
 28 other than that of providing for the final disposition
 29 of a dead human being.

30 4. A contract for the sale of a cemetery lot,
 31 grave, grave marker, tombstone, monument, mausoleum
 32 crypt, turf-top crypt, niche or columbarium; provided,
 33 however, that this exemption does not apply if the
 34 contract also includes or is executed in contemplation
 35 of the sale of other goods or services pursuant to
 36 a prearrangement contract.

37 Sec. 4. *NEW SECTION. OTHER LAWS NOT AFFECTED.*

38 This chapter does not supersede the provisions of
 39 chapter 156, relating to the licensure of funeral
 40 directors.

41 Sec. 5. *NEW SECTION. DEFINITIONS.* As used in
 42 this chapter, unless the context otherwise requires:

43 1. "Beneficiary" means the person in whose final
 44 disposition goods or services are to be furnished
 45 pursuant to a prearrangement contract.

46 2. "Department" means the department of banking.

47 3. "Earnings" means appreciation in value of a
 48 trust fund as a result of investment, including but
 49 not limited to interest income, dividends, and gains
 50 from the sale of investments.

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1 4. "Funeral director" means a person licensed
 2 under chapter 156.

3 5. "Licensee" means a person who is required to
 4 be licensed under this chapter.

5 6. "Goods" means personal property to be used
 6 in connection with the final disposition of a dead
 7 human body, including but not limited to a casket,
 8 vault, grave marker, tombstone, monument, urn or vase.
 9 "Goods" does not include real property, and does not
 10 include personal property which is affixed to real
 11 property at the time of sale.

12 7. "Prearrangement contract" or "contract" means

13 a contract that is characterized, wholly or in part,
14 by all of the following:

15 a. A person promises to deliver or to secure the
16 delivery of goods, services, or a combination of goods
17 and services, that are to be used in the final
18 disposition of the body of a specified individual
19 after his or her death.

20 b. The contract is executed prior to the death
21 of the person in whose final disposition the goods
22 or services are to be used, and delivery is or may
23 be contingent upon the death of that person.

24 c. Consideration is to be paid in advance, whether
25 in a lump sum or in installments.

26 8. "Purchase price" means the consideration that
27 is to be paid under a prearrangement contract in
28 exchange for the promise to deliver or to secure the
29 delivery of the goods or services.

30 9. "Seller" means a person who directly or through
31 an agent or employee promises in a prearrangement
32 contract to deliver or to secure the delivery of the
33 goods or services. "To sell" includes a promise to
34 furnish goods or services that are to be purchased
35 from or supplied by another person.

36 10. "Services" means services to be provided in
37 connection with the final disposition of a dead human
38 body, including but not limited to services necessarily
39 or customarily provided in connection with a funeral,
40 or services necessarily or customarily provided in
41 connection with the interment, entombment or cremation
42 of a dead human body, or a combination of these.
43 "Services" does not include perpetual care or main-
44 tenance to be furnished after interment, entombment
45 or cremation.

46 Sec. 6. *NEW SECTION. PREARRANGEMENT CONTRACTS*
47 *REGULATED.* A person shall not offer or contract to
48 deliver or to secure the delivery of goods or services
49 pursuant to a prearrangement contract except when
50 licensed under this chapter and except in accordance

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1 with the provisions of this chapter. This section
2 does not require the licensure of officers, employees
3 or agents of a licensee while engaged in the
4 solicitation or execution of contracts on behalf of
5 the licensee.

6 Sec. 7. *NEW SECTION. LICENSE APPLICATION.* An
7 application for a license shall be in a verified
8 writing on forms furnished by the department. The

- 9 application form shall contain or be accompanied by
10 all of the following:
- 11 1. The applicant's name and business address,
12 and the address of each of the applicant's offices
13 within this state.
 - 14 2. The name of each state or other jurisdiction
15 in which the applicant presently is conducting the
16 activity regulated under this chapter or any other
17 similar business, the names under which the business
18 is conducted, and the business addresses within each
19 state or other jurisdiction.
 - 20 3. A description of any adverse order, judgment
21 or decree entered against the applicant by a regulatory
22 agency or court in any state or other jurisdiction
23 in relation to the activity regulated under this
24 chapter or any other similar business.
 - 25 4. The form of the applicant's business or-
26 ganization, and if the applicant is a statutory entity,
27 the jurisdiction in which organized and a copy of
28 the articles of incorporation or other instrument
29 establishing the applicant as a legal entity.
 - 30 5. The name, address of residence, and principal
31 occupation for the past five years of every director
32 and officer of the applicant or every person occupying
33 a similar status or performing similar functions;
34 and the name, address and principal occupation for
35 the past five years of every principal owner and
36 principal stockholder, and for this purpose, any
37 person whose interest in the applicant exceeds ten
38 percent of the outstanding interests shall be a
39 principal owner or stockholder.
 - 40 6. Copies of the current financial statements
41 of the applicant.
 - 42 7. The name and address of each financial
43 institution by which trust funds are to be held or
44 administered under this chapter, and a copy of all
45 trust agreements.
 - 46 8. If any of the goods or services to be delivered
47 under a contract are to be supplied by a person other
48 than the applicant, the name and address of that
49 person, a description of each item to be supplied
50 by that person, and a copy of the contract, whether

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- 1 existing or proposed, between the applicant and that
- 2 person under which the goods or services are to be
- 3 supplied.
- 4 9. An irrevocable appointment of the department

5 as agent for the receipt of service of process in
6 any civil proceeding arising under this chapter against
7 the applicant, its principal owners, principal
8 stockholders, directors or general manager or their
9 personal representatives.

10 10. Other information or documents required by
11 the department.

12 11. The names and addresses of all individuals
13 who will be authorized by the applicant to solicit
14 prearrangement sales on behalf of the licensee, and
15 the names and addresses of all individuals who will
16 be authorized by the applicant to execute
17 prearrangement contracts on behalf of the applicant.

18 Sec. 8. *NEW SECTION. ISSUANCE OR DENIAL OF*
19 *LICENSE.*

20 1. Upon receipt of proper application, the
21 department shall issue a license if the department
22 determines that the following criteria are satisfied:

23 a. The applicant has met all general requirements
24 for engaging in business in this state.

25 b. The principal owners, principal stockholders,
26 and all directors and officers or persons occupying
27 similar status or performing similar functions have
28 the ability, experience, integrity, financial stability
29 and responsibility to engage in the licensed activity.

30 c. Capitalization of at least fifteen thousand
31 dollars in counties with a population of not more
32 than fifty thousand, capitalization of at least twenty-
33 five thousand dollars in counties with a population
34 between fifty thousand and one hundred fifty thousand,
35 and capitalization of at least fifty thousand dollars
36 in counties with a population of one hundred fifty
37 thousand or more.

38 2. The department shall deny the license if it
39 is determined that the application is incomplete,
40 that the applicant has made false statements or
41 misrepresentations in the application, that the
42 applicant is insolvent, that the applicant has con-
43 ducted business in a fraudulent manner, that the
44 applicant is not authorized to transact business in
45 this state, or that the required trust fund or
46 depository has not been properly established. If
47 a license is denied, the department shall give written
48 notice to the applicant setting forth the reasons
49 for denial.

50 3. The department shall issue or deny a license

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1 within ninety days following receipt of proper

2 application.

3 4. Upon issuance of a license, the licensee shall
4 post and maintain the license on the business premises
5 of the licensee and in a place where the license is
6 readily visible to customers of the licensee.

7 5. A license issued under this chapter shall be
8 in effect for a period of one year from the date
9 issued, and may be renewed in the manner prescribed
10 by the department.

11 Sec. 9. *NEW SECTION.* SURETY BOND.

12 1. At the time a license is issued a licensee
13 shall post with the department and thereafter maintain
14 in force either a bond in the principal sum of twenty-
15 five thousand dollars issued by an authorized corporate
16 surety in favor of the state of Iowa, or a deposit
17 in the same amount made up of cash or negotiable
18 securities or their equivalent. If a deposit is made
19 in lieu of a bond, the deposit shall at all times
20 be maintained at a market value of not less than the
21 amount of the required bond. A licensee may deposit
22 only those securities which are approved for use as
23 a deposit by rule issued by the department.

24 2. In lieu of posting the full amount of the bond
25 or deposit specified in subsection 1, the department
26 may approve the posting of a bond or deposit in the
27 amount of five thousand dollars or a whole number
28 multiple thereof, not to exceed twenty-five thousand
29 dollars, if it finds that the circumstances and status
30 of the applicant's intended business do not immediately
31 warrant the posting of the amount specified in
32 subsection 1. The department thereafter may require
33 the licensee periodically to post an additional bond
34 or deposit of five thousand dollars or a whole number
35 multiple thereof until the amount specified in
36 subsection 1 is satisfied. The department may require
37 a quarterly report during the period of time in which
38 a licensee maintains a bond or deposit of an amount
39 less than that specified in subsection 1.

40 3. The bond or deposit shall be held exclusively
41 for the benefit of buyers under prearrangement
42 contracts and other persons as their interests may
43 appear who may be damaged by misuse or diversion of
44 moneys by the seller or agents or employees of the
45 seller. The aggregate liability of the surety for
46 all breaches of the conditions of the bond shall,
47 in no event, exceed the sum of the bond. The surety
48 shall have the right to cancel a bond upon sixty days'
49 notice to the department, and shall be relieved of
50 liability for any breach of condition occurring after

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1 the effective date of cancellation.

2 4. Upon written request by a licensee, the
3 department may reduce the bond or deposit require-
4 ment in five-thousand dollar increments if it finds
5 that the circumstances and status of the licensee's
6 business warrant a reduction.

7 5. The department shall release the bond or deposit
8 after the licensee has ceased doing business and when
9 the department is satisfied of the nonexistence of
10 any obligation or liability of the licensee for which
11 the bond or deposit is held.

12 Sec. 10. *NEW SECTION.* GUARANTEE TRUST FUND.

13 A licensee shall, within thirty days after the end
14 of its accounting year, deposit with the department
15 the amount of ten dollars for each prearranged sale
16 made during the accounting year. These funds shall
17 be deposited by the department into a separate
18 guarantee trust fund to be held and invested in
19 accordance with the trust laws of Iowa. When the
20 fund, including earnings, reaches the amount of one
21 hundred thousand dollars, the department shall suspend
22 the requirement to make any further annual deposits;
23 provided, however, that a new licensee shall be
24 required to deposit into the fund an amount equivalent
25 to the amount deposited by other licensees as
26 determined by the department and on the same basis.
27 Pursuant to rules issued by the department, this fund
28 shall be subject to the payment of claims arising
29 against any licensee for failure to comply with the
30 terms of this chapter with respect to the delivery
31 of goods or services or the refund of money. The
32 guarantee fund shall not be liable for the payment
33 of a claim until the claimant has exhausted all civil
34 and administrative remedies, including but not limited
35 to bankruptcy proceedings.

36 Sec. 11. *NEW SECTION.* TERMS OF PREARRANGEMENT
37 CONTRACTS.

38 1. A prearrangement contract shall not be executed
39 by a licensee unless it complies with applicable
40 federal and state disclosure requirements.

41 2. A prearrangement contract shall not be executed
42 by a licensee unless it contains all of the following
43 information:

44 a. The names and addresses of the licensee and
45 of the buyer.

46 b. The name and address of the beneficiary.

47 c. Clear and conspicuous specifications of the

48 goods and services to be delivered under the contract.
49 If the licensee is not the person by whom the goods
50 or services are to be delivered, the contract must

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1 disclose the name and address of the person who is
2 to deliver the goods or services, and the contract
3 shall not be valid unless the person is a party to
4 the contract and agrees in the contract to deliver
5 the goods or services.

6 d. The price of each item to be delivered, the
7 total contract price, and the manner in which the
8 purchase price is to be paid.

9 e. The date and place of execution of the contract.

10 f. The type of trust account in which funds are
11 to be held, and the total amount to be entrusted.

12 g. The signature of the individual executing the
13 contract on behalf of the seller, and identification
14 of the individual by typed or printed name and title
15 or capacity.

16 3. A licensee shall not be entitled to enforce
17 a contract made in violation of this section or another
18 provision of this chapter, but the buyer or the legal
19 representative of the buyer shall be entitled to
20 recover all amounts paid in contemplation of the
21 contract.

22 4. Delivery of goods pursuant to the contract
23 shall be by actual or constructive delivery in ac-
24 cordance with chapter 554.

25 5. Delivery of merchandise or services pursuant
26 to the contract shall be due within a reasonable time
27 after written notice to the licensee of the death
28 of the beneficiary. If timely delivery cannot be
29 made because of national emergency, strike,
30 insurrection or act of God, the period for delivery
31 shall be extended until the expiration of fifteen
32 days after the termination of the event preventing
33 delivery.

34 6. The contract shall contain a warranty to the
35 buyer that the goods to be delivered under the contract
36 will be accepted for intended purposes by any cemetery
37 of the buyer's choice. Upon a breach of this warranty,
38 the buyer shall have the option to cancel the contract
39 and receive a refund of the money held in trust with
40 respect to the contract, or to receive from trust
41 such amount as may be necessary to remedy the breach.

42 7. The seller under a prearrangement contract
43 is liable to the buyer for the performance of all
44 obligations due the buyer under the contract or this

45 chapter, whether or not another person has agreed
46 to perform one or more of the obligations.

47 8. The written contract shall constitute the
48 entire agreement between the parties relative to its
49 subject matter. All obligations of both parties shall
50 be fixed, and enforceable by the other parties to

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1 the contract.

2 Sec. 12. *NEW SECTION. TERMINATION OF CONTRACT.*

3 1. If the beneficiary of a prearrangement contract
4 changes his or her place of legal residence to a place
5 that makes delivery of part or all of the goods or
6 services impossible or impracticable, the buyer is
7 entitled to cancel the contract, and upon submitting
8 a written request to the licensee is entitled to
9 receive a refund equal to the greater of the sum paid
10 by the buyer toward the purchase price of the contract
11 or the amount held in trust with respect to the
12 contract. Refunds shall be made within thirty days
13 after receipt of the request.

14 2. Upon default by a licensee of a prearrangement
15 contract, the buyer is entitled, upon submitting a
16 written demand to the licensee, to receive a refund
17 equal to the greater of the sum paid by the buyer
18 toward the purchase price of the contract or the
19 amount held in trust with respect to the contract.
20 Refund shall be made within thirty days after receipt
21 of the demand.

22 3. A prearrangement contract terminates if the
23 licensee ceases doing business, dies, becomes insolvent
24 or bankrupt, makes an assignment for the benefit of
25 creditors, or otherwise is unable to satisfy
26 obligations under this chapter unless, within thirty
27 days of the occurrence of the event or within such
28 additional period of time as may be granted by the
29 department, the contract is assigned to another
30 licensee who agrees in a writing submitted to the
31 department to accept all liabilities and obligations
32 arising out of the contract. An assignment does not
33 preclude a termination until written approval is
34 issued by the department.

35 4. A prearrangement contract terminates upon a
36 breach of the contract by the buyer unless the parties
37 agree following the occurrence of the breach to waive
38 the termination of the contract because of that breach.
39 Upon a termination, the buyer is entitled to receive
40 a refund equal to the greater of the sum paid by the

41 buyer toward the purchase price of the contract or
 42 the amount held in trust with respect to the contract.
 43 5. A prearrangement contract terminates if the
 44 beneficiary dies before the buyer has paid the full
 45 purchase price, unless the parties or their
 46 representatives agree at the time of death to an
 47 alternate method of performance. Upon a termination
 48 the buyer is entitled to receive a refund equal to
 49 the greater of the sum paid by the buyer toward the
 50 purchase price or the amount held in trust with respect

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1 to the contract.
 2 6. A prearrangement contract terminates if for
 3 any reason the heir or personal representative of
 4 the beneficiary refuses to accept delivery. Upon
 5 a termination, the buyer is entitled to receive a
 6 refund equal to the greater of the sum paid by the
 7 buyer toward the purchase price or the amount held
 8 in trust with respect to the contract.
 9 7. A licensee may not cancel a prearrangement
 10 contract except upon the default of the buyer.
 11 8. Nothing contained in this section prohibits
 12 or restricts a buyer who is receiving public assistance
 13 from making an irrevocable prearrangement contract
 14 in accordance with rules of the department of social
 15 services.
 16 **Sec. 13. NEW SECTION. DESIGNATION OF TRUST FUND**
 17 **RECIPIENTS.**
 18 1. A licensee shall designate in writing to the
 19 department one or more individuals, either by name
 20 or by office or position, who shall be personally
 21 responsible for the receipt of trust funds and delivery
 22 of trust funds to the financial institution in which
 23 the funds are to be held. A licensee shall not
 24 substitute another individual except upon prior notice
 25 to the department.
 26 2. A person designated as the trustee of a trust
 27 account or common trust fund shall not be replaced
 28 without prior written notice to and approval by the
 29 department.
 30 **Sec. 14. NEW SECTION. TRUST IMPOSED.**
 31 1. Except as provided in subsection 5,
 32 consideration received from a buyer under a
 33 prearrangement contract is impressed with a trust
 34 to the following extent:
 35 a. With respect to services, seventy-five percent
 36 of the purchase price of the services contracted for.

37 b. With respect to goods, an amount equal to one
 38 hundred twenty-five percent of the ascribed cost of
 39 the goods contracted for. Ascribed cost shall be
 40 a cost figure determined on the basis of the average
 41 wholesale price of fungible goods available for
 42 purchase on the wholesale market during the preceding
 43 year.

44 2. If the purchase price is payable by the buyer
 45 in two or more payments, the amount received in trust
 46 is as follows:

47 a. With respect to services, that portion of each
 48 payment which bears the same relation to seventy-five
 49 percent of the price of the services as the amount
 50 of the payment bears to the total purchase price.

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1 b. With respect to goods, that portion of each
 2 payment which bears the same relation to one hundred
 3 twenty-five percent of the ascribed cost of the goods
 4 as the amount of the payment bears to the total
 5 purchase price.

6 3. Money received in trust under this section
 7 shall not be used, transferred or disbursed except
 8 as permitted by this chapter.

9 4. The department may, pursuant to administrative
 10 rules, reduce the amount required to be entrusted
 11 under this section with respect to any licensee who
 12 provides the department with evidence of financial
 13 responsibility that is equivalent to the trust
 14 requirements of this chapter.

15 5. A licensee is entitled to retain, for purposes
 16 of covering selling expenses, servicing costs and
 17 general overhead, an amount not to exceed one-half
 18 of each payment received until the licensee has
 19 received for its own use and benefit an amount not
 20 to exceed ten percent of the purchase price.

21 **Sec. 15. NEW SECTION. DEPOSIT OF TRUST FUNDS.**

22 All money received in trust under this chapter shall,
 23 within thirty days after receipt, be deposited in
 24 a savings and loan association or state or national
 25 bank authorized to transact business in this state.
 26 The deposit accounts or trust accounts shall be held
 27 in the name of the licensee for the benefit of buyers
 28 and beneficiaries of prearrangement contracts.

29 **Sec. 16. NEW SECTION. TRUST FUND REQUIREMENTS.**

30 1. A licensee shall designate a trustee to
 31 administer funds received in trust under this chapter.
 32 The trustee shall be a state or national bank or trust

33 company authorized to engage in business as a trustee
34 in this state.
35 2. Funds deposited with a trustee shall be held
36 in a common trust fund under a written trust agreement
37 naming the seller as trustor for the benefit of the
38 buyers and beneficiaries of prearrangement contracts.
39 The trust shall be administered in accordance with
40 the provisions of this chapter, including any
41 amendments enacted after the effective date of the
42 trust agreement.
43 3. The trustee of the trust fund shall maintain
44 accurate accounts, books and records of all trust
45 fund transactions. The accounts, books and records
46 shall be subject to examination by the department.
47 Sec. 17. *NEW SECTION. RECORDS.*
48 1. A licensee shall maintain accurate and current
49 accounts, books and records for each prearrangement
50 contract, and shall retain these documents for a

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1 period of three years following performance or other
2 disposition of the contract. All accounts, books
3 and records shall comply with generally accepted
4 accounting principles.
5 2. The accounts, books and records required of
6 a licensee include all of the following:
7 a. A copy of each prearrangement contract.
8 b. With respect to each contract, a record of
9 payments received, amounts deposited in trust,
10 adjustments to trust balance, disbursements from trust
11 and the reason for each disbursement and the recipient
12 of the disbursement, and the date of every transaction.
13 c. The name and address of each financial
14 institution in which trust funds are held, and the
15 account number or its equivalent for each trust
16 account.
17 d. The aggregate amount of funds held in trust,
18 and a reconciliation of this amount with individual
19 prearrangement contracts. All accounts must be
20 reconciled at least quarterly, and on the same closing
21 date.
22 e. A copy of each document which serves as
23 authority under this chapter for the disbursement
24 of trust funds.
25 f. Other documents or records required by
26 administrative rule.
27 3. All accounts, books and records required by
28 this section shall be maintained in this state and

29 at the business location designated on the license.

30 Sec. 18. *NEW SECTION. EARNINGS OF TRUST FUNDS.*

31 Earnings on entrusted funds shall be credited to the
32 accounts of the respective contracts for which the
33 trust funds are held, and shall be subject to
34 reinvestment and distribution in the same manner as
35 the original principal.

36 Sec. 19. *NEW SECTION. DISTRIBUTION OF TRUST FUND.*

37 1. The money held in trust with respect to a
38 prearrangement contract shall be subject to
39 distribution to the licensee upon the delivery of
40 the goods and services as required by the contract.
41 Disbursement shall not be made by the trustee until
42 receipt of a written acknowledgement by the buyer
43 or his or her heir or representative of performance
44 of the contract, or until the expiration of ten days
45 following receipt from the licensee of a written
46 verification of performance of the contract.

47 2. If a prearrangement contract is terminated
48 or canceled prior to performance for any of the causes
49 set forth in section 12 of this Act, the buyer is
50 entitled to receive a refund of the amount provided

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1 for by section 12 of this Act. Distribution shall
2 be made within thirty days after the receipt of a
3 written request for a refund.

4 Sec. 20. *NEW SECTION. TRUST FUNDS EXEMPT FROM*
5 *PROCESS.*

6 1. In the absence of fraud, funds held in trust
7 as required by this chapter are not subject to
8 attachment, garnishment or other process, or to
9 seizure, appropriation or application by any legal
10 or equitable process or by operation of law to any
11 debt or liability of the licensee, buyer or beneficiary
12 under a prearrangement contract, except a debt or
13 liability of the licensee to the buyer arising out
14 of the prearrangement contract.

15 Sec. 21. *NEW SECTION. ANNUAL REPORT.*

16 1. A licensee shall submit an annual report to
17 the department on forms supplied by the department.
18 The report shall be filed not later than March 31,
19 and shall disclose the condition of the licensee as
20 of January 1 of the year in which filed.

21 2. The annual statement shall contain or be
22 accompanied by all of the following:

23 a. An itemization of all outstanding prearrangement
24 contracts, the dates of execution of these contracts,

25 the names of all parties and beneficiaries under these
26 contracts, the amount paid by the buyer with respect
27 to each contract and the amount remaining to be paid
28 by the buyer under each contract.

29 b. The name and address of the place of business
30 of the licensee.

31 c. Verification by the licensee of the following:

32 (1) The licensee and the trustee had sufficient
33 funds available during the calendar year to perform
34 obligations under contracts.

35 (2) The licensee and trustees have complied with
36 this chapter and rules of the department.

37 d. Such other information as may be considered
38 necessary by the department in order for it to meet
39 its responsibilities under this chapter.

40 3. If the licensee is an individual, the statement
41 shall be sworn by him or her; if a firm or association,
42 by all members thereof; and if a corporation, by the
43 president and secretary thereof.

44 Sec. 22. *NEW SECTION. EXAMINATION OF RECORDS.*

45 The department shall, from time to time and at least
46 once every three years, examine the records and affairs
47 of each licensee or other person in relation to all
48 matters relevant to the financial affairs of the
49 licensee. The licensee or other person shall produce
50 or make these records available for examination upon

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1 the request of the department. The department may
2 examine the records and affairs of a licensee or other
3 person at any time, whether or not in relation to
4 a formal examination. A written report of each
5 examination shall be maintained on file by the
6 department and shall be subject to examination and
7 copying by any person under chapter 68A.

8 Sec. 23. *NEW SECTION. FEES.*

9 1. An applicant for initial licensure under this
10 chapter shall submit an application processing fee
11 of one hundred dollars. The processing fee is not
12 subject to refund for any reason.

13 2. A licensee shall pay a fee for each examina-
14 tion required or permitted by this chapter as
15 determined by the department, provided that the fee
16 shall not exceed five hundred dollars for any
17 examination. The fee shall be based on the costs
18 of each examination, including the salary and travel
19 expenses of the examiner and all expenses incurred
20 in the examination, plus those costs of operating

21 and maintaining the department incurred as a result
22 of this chapter. Each licensee shall be assessed
23 a proportionate share of overall costs, based on the
24 following schedule:

25 a. Each licensee having less than fifty outstanding
26 prearrangement contracts shall pay a fee of fifty
27 dollars plus an amount equal to one-fourth of one
28 percent of the total amount held in trust.

29 b. Each licensee having fifty or more outstanding
30 prearrangement contracts shall pay a fee of one hundred
31 dollars plus an amount equal to one-fourth of one
32 percent of the total amount held in trust.

33 Sec. 24. *NEW SECTION. ADMINISTRATIVE RULES.*

34 The department may adopt rules that are reasonably
35 necessary in the administration and enforcement of
36 this chapter.

37 Sec. 25. *NEW SECTION. REMEDIAL ORDERS.*

38 1. Upon notice and opportunity for hearing, the
39 department may issue a remedial order against a person
40 who is in violation of the requirements of this
41 chapter. The respondent shall comply with the remedial
42 order within such reasonable period of time as may
43 be stated by the department in the order. The use
44 of this authority by the department is discretionary,
45 and is not required as a condition precedent to any
46 other administrative, criminal or civil proceeding.

47 2. A hearing under this section shall be conducted
48 as a contested case under chapter 17A.

49 Sec. 26. *NEW SECTION. JUDICIAL ASSISTANCE.*

50 1. The department may commence an action in the

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1 district court to obtain such remedial orders as may
2 be necessary to stop or prevent violations of this
3 chapter.

4 2. The department may commence an action in the
5 district court to compel compliance with the
6 requirements of this chapter, including rules
7 promulgated under this chapter, or to compel compliance
8 with a remedial order issued by the department.

9 Sec. 27. *NEW SECTION. REVOCATION OF LICENSE.*

10 1. The department may revoke a license issued
11 under this chapter upon any of the following grounds:

12 a. Failure of the licensee to file a required
13 report.

14 b. Failure of the licensee to maintain proper
15 bond.

16 c. Violation by a licensee or by any of its

17 employees or agents of any provision of this chapter
 18 or any rule adopted under this chapter.
 19 d. The existence of any fact which, if it had
 20 existed at the time of application for the licensee,
 21 would have been grounds for denial of a license.
 22 e. Failure of a licensee to comply with a remedial
 23 order issued by the department or by the district
 24 court.
 25 f. Bankruptcy of the licensee.
 26 g. Dissolution of the business organization of
 27 the licensee, whether voluntary or involuntary.
 28 2. Upon revocation of a license the department
 29 shall issue such orders as may be necessary to protect
 30 the beneficiaries of prearrangement contracts.
 31 3. Revocation of a license does not absolve the
 32 licensee from liability on existing prearrangement
 33 contracts, and does not absolve the licensee from
 34 depositing funds into trust out of payments received
 35 from buyers subsequent to the date of revocation.
 36 Sec. 28. *NEW SECTION. VOLUNTARY LICENSE*
 37 *CANCELLATION.*
 38 1. A licensee may request in writing that the
 39 department cancel a license issued under this chapter.
 40 At the time of submitting the request the licensee
 41 shall surrender the license, or in the event of its
 42 loss or destruction the licensee shall submit a sworn
 43 statement to that effect.
 44 2. A request for cancellation shall be accompanied
 45 by an affidavit of the licensee setting forth the
 46 following particulars:
 47 a. The amount of trust funds held under this
 48 chapter, if any.
 49 b. Whether or not those trust funds are to be
 50 refunded, and if so, the manner in which they are

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1 to be refunded.
 2 c. Whether or not the obligations of the licensee
 3 under outstanding prearrangement contracts, if any,
 4 are to be assumed by another licensee, and if so the
 5 name and address of that licensee.
 6 d. The date on which the licensee and its employees
 7 and agents ceased to sell goods or services pursuant
 8 to prearrangement contracts.
 9 e. The specific reasons why the licensee wishes
 10 to cancel the license.
 11 f. Whether or not any civil or criminal actions
 12 are pending against the licensee in this state, and

13 if so, the title, case number, jurisdiction and nature
14 of each action.

15 g. Other information required by administrative
16 rule.

17 3. Upon receipt of a request to cancel a license,
18 the department shall schedule the case for hearing
19 as a contested case. The department shall give written
20 notice of the request to the attorney general.

21 4. The department shall not cancel a license upon
22 the request of a licensee except upon proof that the
23 following conditions are satisfied, where applicable:

24 a. The rights of buyers under outstanding
25 prearrangement contracts are secured, either through
26 restitution of all payments made on these contracts,
27 including the refunds payable out of trust, or through
28 assumption by a qualified person of the performance
29 obligations under those contracts, or through an
30 undertaking filed by the licensee that it will per-
31 form all contracts as the obligations arise in the
32 future.

33 b. If the outstanding prearrangement contracts
34 are to be assigned, the assignee agrees in writing
35 with the department that it will comply with all
36 relevant provisions of this chapter with respect to
37 the contracts.

38 c. If the licensee is to perform the obligations
39 of outstanding contracts, the licensee agrees in
40 writing with the department that it will comply with
41 all relevant provisions of this chapter until such
42 time as all contract obligations have been satisfied
43 and all trust funds distributed as permitted by this
44 chapter.

45 d. If contracts are to be assigned, completion
46 of such written documents as may be necessary to
47 assure the continued existence of a qualified trustee.

48 Sec. 29. *NEW SECTION. DISSOLUTION.* A licensee
49 shall give written notice to the department of the
50 initiation of any voluntary or involuntary proceedings

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1 to dissolve the business entity of the licensee.
2 The department shall take such actions and shall issue
3 such orders as may be necessary to assure the proper
4 disposition of trust funds; including but not limited
5 to the commencement of an action for the appointment
6 of a receiver. Upon written application and pursuant
7 to hearing, the department may authorize the assignment
8 of prearrangement contracts to another qualified

9 person and the appointment of another trustee.
 10 Sec. 30. *NEW SECTION. LIABILITY OF SELLER FOR*
 11 *BREACH OF CONTRACT.* Nothing contained in this chapter
 12 shall absolve a seller from liability for breach of
 13 a prearrangement contract, provided that any amount
 14 refunded from trust shall mitigate damages incurred.

15 Sec. 31. *NEW SECTION. PENALTIES.*
 16 1. A person who conducts business without a license
 17 in violation of this chapter commits an aggravated
 18 misdemeanor.

19 2. A licensee who fails to comply with the
 20 requirements of this chapter or rules promulgated
 21 under this chapter commits a serious misdemeanor.

22 Sec. 32. Section 156.9, subsection 3, Code 1981,
 23 is amended to read as follows:

24 3. If the funeral director [generally engages in
 25 the business of selling or issuing burial contracts
 26 or burial certificates in anticipation of the death
 27 of a person, or] enters into any contract with another
 28 person to furnish funeral supplies or funeral service
 29 to persons who have been solicited by or who have
 30 agreed with that person to purchase the supplies or
 31 services. This subsection shall not apply to contracts
 32 with the United States or any department of the federal
 33 government or to any contract made in conjunction
 34 with the sale of any life insurance policy issued
 35 by a life insurance company licensed to transact
 36 business in Iowa.

37 Sec. 33. Section 156.12, Code 1981, is repealed.

38 Sec. 34. *NEW SECTION. EFFECTIVE DATE--APPLICA-*
 39 *BILITY.*

40 1. This Act takes effect January 1 following its
 41 enactment.

42 2. The department of banking may promulgate rules
 43 prior to the effective date of this Act, provided
 44 that any such rule shall take effect on the effective
 45 date of this Act.

46 3. A person engaged in the business of selling
 47 goods or services through prearrangement contracts
 48 on the effective date of this Act has a privilege
 49 to continue to make such sales without a license after
 50 the effective date of this Act, provided, however,

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1 that this privilege shall exist only if the applicant
 2 submits an application for a license within thirty
 3 days after the effective date, and this privilege
 4 terminates at such time thereafter as the department

5 either denies a license or issues a license, and
 6 further provided that the seller otherwise shall
 7 comply with the provisions of this chapter."

CHARLES P. MILLER

S-5466

1 Amend House File 2398 as amended and passed by
 2 the House as follows:

DIVISION S—5466C

3 1. Page 1, line 2, by striking the word
 4 "subsection" and inserting in lieu thereof the word
 5 "subsections".

DIVISION S—5466A

6 2. Page 1, by inserting after line 3 the following:
 7 "*NEW SUBSECTION.* For each beaver, mink, otter, red
 8 fox, gray fox or raccoon, one hundred dollars."

DIVISION S—5466C (cont'd.)

9 3. Page 1, line 11, by striking the word and
 10 figure "and 2" and inserting in lieu thereof the word
 11 and figures ", 2 and 3".

DIVISION S—5466B

12 4. Page 1, by inserting after line 15 the following:
 13 "3. For each game bird, fur-bearing animal or
 14 game animal or the raw pelt or plumage of such game for
 15 which damages are not otherwise prescribed, twenty-
 16 five to *fifty* dollars."

DALE L. TIEDEN

S-5467

1 Amend the Judiciary Committee amendment, S-5448, to
 2 House File 2369 as amended, passed and reprinted by
 3 the House as follows:
 4 1. Page 1, by striking line 23 and inserting in
 5 lieu thereof the following: "that portion of the
 6 defendant's sentence which exceeds the seven-day
 7 minimum sentence. The court".

MICK LURA
 GARY L. BAUGHER

S-5468

- 1 Amend House File 2363 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, by striking lines 26 through 28, and
- 4 inserting in lieu thereof the following: "specialized
- 5 reduced tillage or no-till planters used for row
- 6 crops."

ARNE WALDSTEIN

S-5469

- 1 Amend House File 2363 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, lines 11 and 12, by striking the words
- 4 "low or moderate net worth" and inserting in lieu
- 5 thereof the words "net worth of less than five hundred
- 6 thousand dollars".

ARNE WALDSTEIN

S-5470

- 1 Amend House File 2369 as amended, passed and
- 2 reprinted by the House, as follows;
- 3 1. Page 4, by inserting after line 22 the
- 4 following:
- 5 "9. If the defendant is convicted of violating
- 6 this section and the offense was committed in a motor
- 7 vehicle owned by the defendant, that motor vehicle
- 8 is subject to forfeiture under the provisions of
- 9 chapter 809."

JOE BROWN

S-5471

- 1 Amend House File 2355 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 21, by inserting after the word
- 4 and figure "January 1." the words "An acceptance of
- 5 exemption filed under this section is not enforceable
- 6 if it is required as a condition of employment."

BOB RUSH

S-5472

- 1 Amend House File 2218 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Sections 2 through 12 of this Act

6 are enacted as a new chapter of the Code.

7 Sec. 2. *NEW SECTION. PURPOSE AND SCOPE.* The

8 purpose of this chapter is to provide security for
9 the performance of contracts, transactions, or other
10 arrangements under which individuals obtain and pay
11 in advance for goods or services to be used in
12 connection with and at the final disposition of their
13 own bodies or those of other persons after death.

14 This chapter applies to any contract that contains
15 these provisions, including but not limited to a
16 contract for the sale of goods or services, or a
17 contract to procure goods or services as an agent
18 or independent contractor on behalf of the buyer.

19 Sec. 3. *NEW SECTION. OTHER LAWS NOT AFFECTED.*

20 This chapter does not supersede chapter 156, relating
21 to the licensure of funeral directors.

22 Sec. 4. *NEW SECTION. DEFINITIONS.* As used in
23 this chapter, unless the context otherwise requires:

24 1. "Department" means the department of banking.

25 2. "Licensee" means a person who is required to
26 be licensed under this chapter.

27 Sec. 5. *NEW SECTION. LICENSE REQUIRED.* A person
28 shall not offer or contract to deliver or to secure
29 the delivery of goods or services pursuant to a
30 prearrangement contract except when licensed under
31 this chapter and except in accordance with this
32 chapter. This section does not require the licensure
33 of officers, employees, or agents of a licensee while
34 engaged in the solicitation or execution of contracts
35 on behalf of the licensee.

36 Sec. 6. *NEW SECTION. LICENSE APPLICATION.* An
37 application for a license shall be in a verified
38 writing on forms furnished by the department. The
39 application form shall contain or be accompanied by
40 all of the following:

41 1. The applicant's name and business address,
42 and the address of each of the applicant's offices
43 within this state.

44 2. The name of each state or other jurisdiction
45 in which the applicant presently is conducting the
46 activity regulated under this chapter or any other
47 similar business, the names under which the business
48 is conducted, and the business addresses within each
49 state or other jurisdiction.

50 3. A description of any adverse order, judgment,

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1 or decree entered against the applicant by a regulatory

2 agency or court in any state or other jurisdiction
3 in relation to the activity regulated under this
4 chapter or any other similar business.

5 4. The name of the jurisdiction in which the
6 applicant is organized as a corporation, and a copy
7 of the articles of incorporation.

8 5. The name, address or residence, and principal
9 occupation for the past three years of every director
10 and officer of the applicant or every person occupying
11 a similar status or performing similar functions;
12 and the name, address, and principal occupation for
13 the past three years of every principal owner and
14 principal stockholder, and for this purpose, any
15 person whose interest in the applicant exceeds twenty-
16 five percent of the outstanding interests is a
17 principal owner or stockholder.

18 6. Copies of the current tax return or financial
19 statement of the applicant.

20 7. The name and address of each financial
21 institution by which trust funds are to be held or
22 administered under this chapter, and a copy of all
23 trust agreements.

24 8. If any of the goods or services to be delivered
25 under a contract are to be supplied by a person other
26 than the applicant, the name and address of that
27 person, a description of each item to be supplied
28 by that person, and a copy of the contract, whether
29 existing or proposed, between the applicant and that
30 person under which the goods or services are to be
31 supplied.

32 9. An irrevocable appointment of the department
33 as agent for the receipt of service of process in
34 any civil proceeding arising under this chapter against
35 the applicant, its principal owners, principal
36 stockholders, directors or general manager, or their
37 personal representatives.

38 10. An application fee of one hundred dollars.

39 Sec. 7. *NEW SECTION.* ISSUANCE OR DENIAL OF
40 LICENSE.

41 1. Upon receipt of proper application, the
42 department shall issue a license if the department
43 determines that the following criteria are satisfied:

44 a. The applicant has met all general requirements
45 for engaging in business in this state.

46 b. The officers or persons occupying similar
47 status or performing similar functions have the
48 ability, experience, integrity, financial stability,
49 and responsibility to engage in the licensed activity.

50 2. The department shall deny the license if it

Page 3

1 is determined that the application is incomplete,
2 that the applicant has made false statements or
3 misrepresentations in the application, that the
4 applicant is insolvent, that the applicant has
5 conducted business in a fraudulent manner, that the
6 applicant is not authorized to transact business in
7 this state, or that the required trust fund or
8 depository has not been properly established. If
9 a license is denied, the department shall give written
10 notice to the applicant setting forth the specific
11 reasons for denial and the method by which the
12 applicant may remedy the deficiency. If the denial
13 is not remedied within thirty days, the applicant
14 may request a hearing on the denial. The hearing
15 should be conducted as a contested case under chapter
16 17A.

17 3. The department shall either issue or deny a
18 license within ninety days following receipt of proper
19 application unless the period is extended with consent
20 of the applicant.

21 4. Upon issuance of a license, the licensee shall
22 post and maintain the license on the business premises
23 of the licensee and in a place where the license is
24 readily visible to customers of the licensee.

25 5. A license issued under this chapter shall be
26 for a term of five years from the date issued, and
27 may be renewed upon application and payment of the
28 application fee.

29 Sec. 8. *NEW SECTION. DELIVERY.* Delivery of goods
30 pursuant to a prearrangement contract shall be by
31 actual or constructive delivery in accordance with
32 chapter 554.

33 Sec. 9. *NEW SECTION. TRUST IMPOSED.*

34 1. Consideration received from a buyer under a
35 prearrangement contract is impressed with a trust
36 to the following extent:

37 a. With respect to services, seventy-five percent
38 of the purchase price of the services contracted for.

39 b. With respect to goods, an amount equal to one
40 hundred ten percent of the ascribed cost of the goods
41 contracted for. Ascribed cost is a cost figure
42 determined on the basis of the average wholesale price
43 of similar goods available for purchase on the
44 wholesale market during the preceding year.

45 2. If the purchase price is payable by the buyer
46 in two or more payments, the amount received in trust
47 is as follows:

48 a. With respect to services, that portion of each
49 payment which bears the same relation to seventy-five
50 percent of the price of the services as the amount

Page 4

1 of the payment bears to the total purchase price.

2 b. With respect to goods, that portion of each
3 payment which bears the same relation to one hundred
4 ten percent of the ascribed cost of the goods as the
5 amount of the payment bears to the total purchase
6 price.

7 Sec. 10. *NEW SECTION. TRUST FUND REQUIREMENTS.*

8 1. The trustee of the trust fund shall maintain
9 accurate accounts, books, and records of all trust
10 fund transactions. The accounts, books, and records
11 are subject to examination by the department.

12 2. The department may authorize a licensee to
13 act as trustee of a trust fund established under this
14 section upon written application by the licensee.
15 Authorization shall be given by the department if
16 the licensee establishes one or more of the following:

17 a. The licensee is financially responsible in
18 accordance with criteria established by rule.

19 b. No state or national bank or trust company
20 that is convenient to the licensee's place of business
21 will accept the funds.

22 c. The licensee files with the department a
23 performance bond or its equivalent equal to fifty
24 percent of the value of the trust fund.

25 d. Other criteria established by administrative
26 rule.

27 Sec. 11. *NEW SECTION. REVOCATION OF LICENSE.*

28 1. The department may revoke a license issued
29 under this chapter with a hearing conducted as a
30 contested case under chapter 17A upon any of the
31 following grounds:

32 a. Violation by a licensee or by any of its
33 employees or agents of any provision of this chapter.

34 b. The existence of any fact which, if it had
35 existed at the time of application for the licensee,
36 would have been grounds for denial of a license.

37 c. Bankruptcy of the licensee.

38 d. Dissolution of the business organization of
39 the licensee, whether voluntary or involuntary.

40 2. Upon revocation of a license the department
41 shall issue orders as necessary to protect the
42 beneficiaries of prearrangement contracts.

43 3. Revocation of a license does not absolve the

44 licensee from liability on existing prearrangement
 45 contracts, and does not absolve the licensee from
 46 depositing funds into trust with respect to payments
 47 received subsequent to the date of revocation.
 48 Sec. 12. *NEW SECTION. PENALTIES.*
 49 1. A person who conducts business without a license
 50 in violation of this chapter commits an aggravated

Page 5

1 misdemeanor.
 2 2. A licensee who fails to comply with this chapter
 3 commits a serious misdemeanor.
 4 Sec. 13. Chapter 523A, Code 1981, is repealed.
 5 Sec. 14. This Act takes effect January 1 following
 6 enactment, and applies to contracts executed on or
 7 after that date.”
 8 2. Amend the title, by striking lines 1 and 2
 9 and inserting in lieu thereof the words “An Act
 10 regulating the pre-need sale of funeral and cemetery
 11 goods or services and providing penalties.”

JOE BROWN

S-5473

1 Amend House File 2369 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 7, line 21, by inserting after the word
 4 “provisions” the words “arising from separate
 5 occurrences”.

BOB RUSH

S-5474

1 Amend the amendment S-5448 to House File 2369, as
 2 amended, passed and reprinted by the House, as follows:
 3 1. Page 2, by striking line 39 and inserting in
 4 lieu thereof the numbers and word “16, line 2.”.

BOB RUSH

S-5475

1 Amend the amendment S-5448 to House File 2369, as
 2 amended, passed and reprinted by the House, as follows:
 3 1. Page 1, by striking lines 34 through 36 and
 4 inserting in lieu thereof the following:
 5 “6. Page 4, by striking lines 12 through 22 and
 6 inserting in lieu thereof the following:

7 "8. In any prosecution under this section,
 8 evidence of the results of analysis of a specimen of
 9 the defendant's blood, breath, saliva, or urine is
 10 admissible upon proof of a proper foundation. In an
 11 action in which a violation of subsection 1, paragraph
 12 a of this section is alleged, evidence that there was,
 13 at the time, ten hundredths or more of one percent by
 14 weight of alcohol in the defendant's blood is
 15 presumptive evidence that the defendant was under the
 16 influence of an alcoholic beverage." "

BOB RUSH

S-5476

1 Amend. House File 2369, as amended, passed and
 2 reprinted by the House, as follows:

DIVISION S—5476A

3 1. Page 1, line 11, by striking the word
 4 "restricted" and inserting in lieu thereof the word
 5 "[restricted]".
 6 2. Page 2, line 34, by striking the words "time
 7 credited for hours served after" and inserting in
 8 lieu thereof the words "credit for any time the person
 9 was confined in a jail or detention facility
 10 following".

DIVISION S—5476C

11 3. Page 3, by striking lines 1 through 5 and
 12 inserting in lieu thereof the following:
 13 "b. An aggravated misdemeanor for a second offense
 14 and shall be imprisoned in the county jail not less
 15 than seven days, which minimum term cannot be suspended
 16 notwithstanding section 901.5, subsection 3, and
 17 section 907.3, subsection 2.
 18 c. A class "D" felony for a third offense and
 19 each subsequent offense.
 20 No conviction for, or plea of guilty to, a violation
 21 of this section which occurred more than six years
 22 prior to the date of the violation charged shall be
 23 considered in determining that the violation charged
 24 is a second, third or subsequent offense."

DIVISION S—5476A (cont'd.)

25 4. Page 4, line 33, by inserting after the word
 26 "state" the words "*while the license or privilege*

27 *is revoked or denied*".

28 5. Page 5, line 2, by inserting after the word
29 "for" the words "*or a plea of guilty of*".

DIVISION S—5476B

30 6. Page 6, by inserting after line 23 the
31 following:

32 "Sec. ____ Section 321A.17, subsection 1, Code
33 1981, is amended to read as follows:

34 1. Whenever the director, under any law of this
35 state, suspends or revokes the license of any person
36 upon receiving record of a conviction or a forfeiture
37 of bail *or revokes the license of any person pursuant*
38 *to chapter 321B*, the director shall also suspend the
39 registration for all motor vehicles registered in
40 the name of [such] *the* person, except that [he] *the*
41 *director* shall not suspend [such] *the* registration,
42 unless otherwise required by law, if [such] *the* person
43 has previously given or [shall] immediately [give] *gives*
44 and thereafter [maintain] *maintains* proof of financial
45 responsibility with respect to all motor vehicles
46 registered by [such] *the* person."

DIVISION S—5476A (cont'd.)

47 7. Page 6, by striking lines 27 through 29 and
48 inserting in lieu thereof the words "officer has
49 reasonable grounds to believe that a motor vehicle
50 operator may be violating or has".

Page 2

DIVISION S—5476A (cont'd.)

1 8. Page 7, line 24, by striking the words
2 "registered or".

DIVISION S—5476B (cont'd.)

3 9. Page 8, by striking lines 12 and 13 and
4 inserting in lieu thereof the words "or revoked for
5 another reason."

DIVISION S—5476A (cont'd.)

6 10. Page 12, line 2, by striking the word
7 "arrested" and inserting in lieu thereof the word
8 "[arrested]".

- 9 11. Page 12, by striking line 8 and inserting
 10 in lieu thereof the words "*that specified conditions*
 11 *existed for chemical*".
- 12 12. Page 12, line 21, by striking the words
 13 "registered or" and inserting in lieu thereof the
 14 words "[registered or]".
- 15 13. Page 13, lines 6 and 7, by striking the words
 16 "*or the issuance of a temporary permit*".
- 17 14. Page 13, line 24, by striking the words "
 18 *TEMPORARY RESTRICTED PERMIT ISSUED*".
- 19 15. Page 14, line 30, by inserting after the word
 20 "revocation" the words "*or denial*".

A.R. BUD KUDART

HOUSE AMENDMENT TO SENATE FILE 464

S-5477

- 1 Amend Senate File 464 as amended, passed and
 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by inserting after the word
 4 "criminal" the words "and juvenile".
- 5 2. Page 1, line 3, by inserting after the word
 6 "criminal" the words "and juvenile".
- 7 3. Page 1, line 8, by striking the figure "6"
 8 and inserting in lieu thereof the figure "4".
- 9 4. Page 1, line 9, by inserting after the word
 10 "criminal" the words "and juvenile".
- 11 5. By striking page 1, line 11 through page 4,
 12 line 26 and inserting in lieu thereof the following:
- 13 "Sec. 2. *NEW SECTION. ADVISORY COUNCIL.* The
 14 criminal and juvenile justice advisory council is
 15 created to advise the agency in the performance of
 16 its duties and to perform other duties as required
 17 by law. The council shall consist of eleven members.
 18 The governor shall appoint seven members each for
 19 a four year term beginning and ending as provided
 20 in section 69.19 and subject to confirmation by the
 21 senate as follows:
- 22 1. Three persons who are either a county
 23 supervisor, county sheriff, a mayor, city chief of
 24 police or a county attorney.
- 25 2. Two persons shall represent the general public
 26 and shall not be employed in any law enforcement,
 27 judicial, or corrections capacity.
- 28 3. Two persons who are knowledgeable about Iowa's
 29 juvenile justice system.
- 30 The commissioner of the department of social
 31 services, the commissioner of public safety, the

32 attorney general and the chief justice of the supreme
33 court shall each designate a person to serve on the
34 council.

35 Members of the council shall receive reimbursement
36 from the state for actual and necessary expenses
37 incurred in the performance of their official duties.
38 Public members shall also receive forty dollars per
39 diem. As used in this Act unless the context otherwise
40 requires "council" means the criminal and juvenile
41 justice advisory council created in this section.

42 Sec. 3. *NEW SECTION. DUTIES OF AGENCY.* The
43 agency shall act as the state criminal and juvenile
44 justice planning agency for purposes established by
45 state or federal laws and shall:

46 1. Identify issues and analyze the operation and
47 impact of present criminal and juvenile justice policy
48 and make recommendations for policy changes.

49 2. Coordinate with data resource agencies to
50 provide data and analytical information to federal,

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1 state and local governments, and assist agencies in
2 the use of criminal and juvenile justice data.

3 3. Report criminal and juvenile justice system
4 needs to the governor, the general assembly, and other
5 decision makers to improve the criminal and juvenile
6 justice system.

7 4. Provide technical assistance upon request to
8 state and local agencies.

9 5. Administer federal funds and funds appropriated
10 by the state or that are otherwise available for
11 study, research, investigation, planning and
12 implementation in the areas of criminal and juvenile
13 justice.

14 6. Make grants to cities, counties and areas
15 pursuant to applicable law.

16 Sec. 4. *NEW SECTION. PLAN AND REPORT.* Beginning
17 in 1984, and every five years thereafter, the agency
18 shall develop a twenty-year criminal and juvenile
19 justice plan for the state which shall include ten,
20 fifteen, and twenty year goals and a comprehensive
21 five year plan for criminal and juvenile justice
22 programs. The five year plan shall be updated annually
23 and each twenty year plan and annual updates of the
24 five year plan shall be submitted to the governor
25 and the general assembly by February 1.

26 Sec. 5. Section 7A.10, subsection 1, Code 1981,
27 is amended to read as follows:

28 1. There is created a juvenile victim restitution
 29 program which shall be funded through funds
 30 appropriated by the general assembly to the [office
 31 for planning and programming] *criminal and juvenile*
 32 *justice planning agency*. The primary purpose of the
 33 program is to provide funds to compensate victims
 34 for losses due to the delinquent acts of juveniles.

35 Sec. 6. The Code editor shall transfer section
 36 7A.10 to the same chapter in which sections 1 through
 37 4 of this Act are placed.

38 Sec. 7. Chapter 80C, Code 1981, is repealed.

39 Sec. 8. On the effective date of this Act all
 40 property, programs, grants, and other funds of the
 41 Iowa crime commission are transferred to the criminal
 42 and juvenile justice planning agency.

43 Sec. 9. Acts of the Sixty-ninth General Assembly,
 44 1981 Session, chapter 14, section 3, subsections 1,
 45 2, and 3 are amended to read as follows:

	1981-1982	1982-1983
	<i>Fiscal Year</i>	<i>Fiscal Year</i>
46		
47		
48 1. IOWA CRIME COMMISSION, OR		
49 ITS SUCCESSOR AGENCY		
50 a. Criminal justice planning .	\$ 234,000	\$ [260,000]

Page 3

1		116,350
2 b. Juvenile justice planning .	\$ 37,840	\$ 48,935
3 c. Jail standards develop-		
4 ment, jail training, and technical		
5 assistance		\$ 100,000 \$

6 2. It is the intent of the general assembly that
 7 if the duties of the Iowa crime commission specified
 8 in subsection 1 of this section and for which funds
 9 are appropriated are subsequently transferred to
 10 another agency, the funds appropriated in subsection
 11 1 of this section are appropriated to the [successor
 12 agency] *criminal and juvenile justice planning agency*
 13 to be expended only for the purposes specified in
 14 subsection 1 of this section.

15 [3. If legislation creating a criminal justice
 16 improvement fund is enacted and becomes law, the
 17 appropriations in subsection 1 of this section for
 18 each year of the fiscal biennium beginning July 1,
 19 1981 and ending June 30, 1983 are void.]”

20 6. Amend the title page, by striking lines 1 and
 21 2, and inserting in lieu thereof the words “An Act
 22 creating a criminal and juvenile justice planning

23 agency and a criminal and juvenile justice advisory
 24 council, prescribing".
 25 7. Amend the title page, line 3 by striking the
 26 word "and".

HOUSE AMENDMENT TO SENATE FILE 2195

S-5478

1 Amend Senate File 2195 as passed by the Senate
 2 as follows:
 3 1. Page 2, line 30, by striking the word "This"
 4 and inserting in lieu thereof the words "With respect
 5 to any transaction referred to in paragraph a of this
 6 subsection, this".
 7 2. Renumber as necessary.

S-5479

1 Amend Senate File 2098 as follows:
 2 1. Page 1, line 8, by inserting after the period
 3 the following: "An individual accounting and report
 4 shall be provided for each of the several individual
 5 accounts within the general fund, rural services fund,
 6 secondary road fund and debt service fund."
 7 2. Page 1, by striking line 11 and inserting in
 8 lieu thereof the following: "to the auditor of state.
 9 The report, in a form".
 10 3. Page 6, line 2, by striking the word "twenty-
 11 one" and inserting in lieu thereof the word "eighteen".
 12 4. Page 6, line 5, by striking the word "ten"
 13 and inserting in lieu thereof the word "nine".
 14 5. Page 6, line 28, by striking the word "twenty-
 15 one" and inserting in lieu thereof the word "eighteen".
 16 6. Page 6, line 31, by striking the word "ten"
 17 and inserting in lieu thereof the word "nine".
 18 7. Page 7, line 6, by striking the word "twenty-
 19 one" and inserting in lieu thereof the word "eighteen".
 20 8. Page 7, line 8, by striking the word "ten"
 21 and inserting in lieu thereof the word "nine".
 22 9. Page 7, line 13, by striking the word "twenty-
 23 one" and inserting in lieu thereof the word "eighteen".
 24 10. Page 7, line 16, by striking the word "ten"
 25 and inserting in lieu thereof the word "nine".
 26 11. Page 8, line 5, by striking the word "ten"
 27 and inserting in lieu thereof the word "nine".
 28 12. Page 15, by inserting after line 12 the
 29 following:
 30 "Sec. 16. *NEW SECTION.* 321.432. COUNTY

31 CONSERVATION CAPITAL FUND. Provision shall be made
 32 for a special county conservation capital fund which
 33 shall serve as a depository of gifts, grants, or
 34 donations to the county conservation board.

35 Such funds may be carried from year to year and
 36 allowed to accumulate until such time that appropriate
 37 capital investment can be made at the discretion of
 38 the county conservation board. Under this provision,
 39 the county conservation board may accept property
 40 donated for conservation purposes.

41 A comprehensive report of all receipts,
 42 expenditures, and assets shall be reported to the
 43 county auditor each year."

44 13. Page 16, by striking line 32 and inserting
 45 in lieu thereof the following: "The proposed budget,
 46 in the form prescribed by".

47 14. Page 17, by striking line 22 and inserting
 48 in lieu thereof the following: "the budget published
 49 under subsection 3 of this section".

50 15. Page 18, by striking lines 6 through 9 and

Page 2

1 inserting in lieu thereof the following: "as provided
 2 in section 331.437 of this Act."

3 16. Page 26, by striking lines 28 and 29 and
 4 inserting in lieu thereof the following: "subsections
 5 1, 2, and 4. [Gifts, contributions and bequests of
 6 money and rent] *Rent*, licenses, fees, charges, and
 7 other revenue".

8 17. By renumbering sections and correcting internal
 9 references as necessary.

COMMITTEE ON COUNTY GOVERNMENT
 JAMES E. BRILES, Chair

S-5480

1 Amend House File 2460 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 3, by striking the words "[a verbal]
 4 *an oral* or" and inserting in lieu thereof the words
 5 "a [verbal or]".

ARTHUR A. SMALL, JR.

S-5481

1 Amend House File 2460 as amended, passed and
 2 reprinted by the House as follows:

DIVISION S—5481A

3 1. Page 7, by striking lines 2 through 7, and
4 inserting in lieu thereof the words "a felony."

DIVISION S—5481B

5 2. Page 8, by striking lines 2 through 4, and
6 inserting in lieu thereof the words "filed; or".

DIVISION S—5481C

7 3. Page 8, by striking lines 6 through 10, and
8 inserting in lieu thereof the following: "or the child
9 is found by the court not to be delinquent; or".

JULIA GENTLEMAN
BOB CARR

S-5482

1 Amend House File 2369 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 14, by adding after line 32 the following:
4 "Sec. 225. Section 509.3, Code 1981, is amended
5 by adding the following new subsection:
6 *NEW SUBSECTION.* A provision which will constitute
7 an offer to make available to the policyholder under
8 policies providing hospital and medical coverage on
9 an expense incurred basis, benefits for the necessary
10 care and treatment of alcohol and other drug dependency
11 that are not less favorable than for physical illness
12 generally, subject to the same durational limits,
13 dollar limits, deductibles and coinsurance factors,
14 and which offer of benefits shall be subject to the
15 right of the policyholder to reject the coverage,
16 or select any alternative level of benefits offered
17 or negotiated with the insurer. Any benefits provided
18 in a facility defined in section 125.2, subsection
19 2, not meeting the definition of a hospital, shall
20 be payable as if provided in a hospital if determined
21 to be necessary care and treatment, approved and
22 monitored by a physician licensed to practice medicine
23 and surgery or osteopathic medicine and surgery.
24 This provision shall apply to policies delivered or
25 issued for delivery more than one hundred twenty days
26 after the effective date of this Act, but shall not
27 apply to blanket, short-term travel, accident only,
28 limited or specified disease, individual or group
29 conversion policies, nor to policies designed only

30 for issuance to persons eligible for coverage under
31 Title XVIII of the Social Security Act, known as
32 medicare, or any other similar coverage under state
33 or federal governmental plans.

34 Sec. 226. Section 514.5, Code 1981, is amended
35 by adding the following new subsection:

36 *NEW SUBSECTION.* Hospital service organizations
37 shall offer and make available under group plans
38 providing hospital and medicare coverage on an expense
39 incurred, or service basis, benefits for the necessary
40 care and treatment of alcohol and other drug dependency
41 that are not less favorable than for physical illness
42 generally, subject to the same durational limits,
43 dollar limits, deductibles and coinsurance factors,
44 and which offer of benefits shall be subject to the
45 right of the subscriber to reject the coverage, or
46 select any alternative level of benefits offered or
47 negotiated with the hospital service organization.
48 Any benefits provided in a facility defined in section
49 125.2, subsection 2, not meeting the definition of
50 a hospital, shall be payable as if provided in a

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1 hospital if determined to be necessary care and
2 treatment, approved and monitored by a physician
3 licensed to practice medicine and surgery or
4 osteopathic medicine and surgery. This provision
5 shall apply to contracts delivered or issued for
6 delivery more than one hundred twenty days after the
7 effective date of this Act, but shall not apply to
8 contracts designed only for issuance to subscribers
9 eligible for coverage under Title XVIII of the Social
10 Security Act, known as medicare, or any other similar
11 coverage under state or federal governmental plans.

12 Sec. 227. Section 514B.9, Code 1981, is amended
13 by adding the following new subsection:

14 *NEW SUBSECTION.* The health care services under
15 group plans shall make available to enrollees benefits
16 for the necessary care and treatment of alcohol and
17 other drug dependency that are not less favorable
18 than for physical illness generally, subject to the
19 same durational limits, dollar limits, deductibles
20 and coinsurance factors, and which offer of benefits
21 shall be subject to the right of the enrollee to
22 reject the coverage, or select any alternative level
23 of benefits offered or negotiated with the
24 organization. Any benefits provided in a facility
25 defined in section 125.2, subsection 2, not meeting

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26 the definition of a hospital, shall be payable as
27 if provided in a hospital if determined to be necessary
28 care and treatment, approved and monitored by a
29 physician licensed to practice medicine and surgery
30 or osteopathic medicine and surgery. This coverage
31 shall apply to services or benefits provided after
32 one hundred twenty days after the effective date of
33 this Act, but shall not apply to enrollees eligible
34 for coverage under Title XVIII of the Social Security
35 Act, known as medicare, or any other similar coverage
36 under state or federal governmental plans.

37 Sec. 228. Sections 225, 226, and 227 of this Act
38 shall take effect July 1, 1982."

39 2. Page 15, line 33, by striking the words "This
40 Act" and inserting in lieu thereof the words and
41 figures "Sections 1 through 24 and sections 25, 26,
42 and 27 of this Act,".

43 3. Renumber as necessary.

SUE YENGER
EDGAR H. HOLDEN
TOM SLATER

S-5483

1 Amend House File 2460 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 5, line 7, by inserting after the word
4 "occurred" the words "and that the continued presence
5 of the alleged sexual offender in the child's residence
6 presents an imminent danger to the child's life or
7 health".

DICK RAMSEY

S-5484

1 Amend the amendment S-5448 to House File 2369 as
2 amended, passed and reprinted by the House as
3 follows:
4 1. Page 2, line 37, by inserting after the word
5 "section" the words "or chapter 321B".

GARY L. BAUGHER

S-5485

1 Amend House File 2437 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 14, by inserting after the word
4 "sources." the words "The director may provide up

5 to five percent of the community service block grant
 6 to single purpose agencies.”
 7 2. Page 5, by inserting after line 5 the following:
 8 “*NEW SUBSECTION.* “Single purpose agency” means
 9 an agency which operates one or several programs which
 10 are either limited functionally or geographically,
 11 which has a board of directors or an advisory
 12 committee, one-third of which is composed of persons
 13 who according to federal guidelines have incomes at
 14 or below poverty level and are elected by such persons,
 15 or are representatives elected by such persons. The
 16 director may establish duties of the board of directors
 17 or the advisory committee of the single purpose agency
 18 and the duties of the single purpose agency.”

TOM SLATER

S-5486

1 Amend the amendment S-5448 to House File 2369 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 2, by striking line 20 and inserting in
 4 lieu thereof the following:
 5 “10. Page 10, by striking lines 4 through 13 and
 6 inserting in lieu thereof the following:
 7 “Sec. ____ Chapter 321B, Code 1981, is amended by
 8 adding the following new section:
 9 *NEW SECTION. EXCEPTION.* Notwithstanding any
 10 provisions of this chapter to the contrary, if there
 11 has been a traffic accident resulting in death or a
 12 personal injury reasonably likely to cause death and
 13 a peace officer has reasonable grounds to believe that
 14 one or more of the drivers who were involved and whose
 15 driving may have been the proximate cause of the
 16 accident was intoxicated or under the influence of
 17 an alcoholic beverage or other drug at the time of
 18 the accident, the officer may require withdrawal of
 19 a specimen of each such driver’s blood for chemical
 20 testing whether or not each driver consents to the
 21 withdrawal, provided that specimens are withdrawn
 22 by medical personnel pursuant to section 321B.4 and
 23 reasonable care is exercised to ensure the health and
 24 safety of the persons from whom specimens are
 25 withdrawn. Any person who knowingly resists or
 26 obstructs the withdrawal of a specimen under this
 27 section is guilty of interference with official
 28 acts and, in that event, sections 321B.7 and
 29 321B.11 apply. This section does not apply, however,
 30 to those persons referred to in section 321B.5.
 31 Medical personnel who are authorized by section

32 321B.4 to withdraw specimens of blood and who use
33 due care and accepted medical practices to do so
34 are immune from liability for their actions in
35 complying with requests made of them under this
36 section or section 321B.4.””

GARY L. BAUGHER

S-5487

1 Amend House File 2369 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 5, lines 8 and 9 by striking the words
4 “or prior to or after the imposition of punishment
5 for any subsequent offense” and inserting in lieu
6 thereof the words “[or prior to or after the imposition
7 of punishment for any subsequent offense]”.

MICK LURA
GARY L. BAUGHER

S-5488

1 Amend House File 2369 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 18, by striking the words “section
4 321.283 or”.

MICK LURA
GARY L. BAUGHER

S-5489

1 Amend the amendment S-5448 to House File 2369 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, line 20, by striking the words “or
4 institution” and inserting in lieu thereof the words
5 “, institution or community correctional’facility”.

A.R. BUD KUDART

S-5490

1 Amend House File 2460, as amended, passed, and
2 reprinted by the House, as follows:

DIVISION S—5490A

3 1. Page 1, by inserting after line 21 the
4 following:
5 “Sec. ____ Section 232.20, subsection 1, Code

6 1981, is amended to read as follows:

7 1. If a child is taken into custody and not
8 released as provided in section 232.19, subsection
9 2, the child shall immediately be taken to a detention
10 or shelter care facility as specified in sections
11 232.21 or 232.22. *A written record shall be maintained*
12 *of the reasons for admission to a detention or shelter*
13 *care facility."*

DIVISION S—5490B

14 2. Page 2, by inserting after line 22 the
15 following:

16 "Sec. ____ Section 232.28, subsection 1, Code
17 1981, is amended to read as follows:

18 1. Any person having knowledge of the facts may
19 file a complaint with the court or its designee
20 alleging that a child has committed a delinquent act.
21 *A written record shall be maintained of any oral*
22 *complaint received."*

23 3. By numbering and renumbering as necessary.

ARTHUR A. SMALL, JR.

S-5491

1 Amend House File 2460 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 7, line 3, by striking the words "*an*
4 *informal adjustment or*" and inserting in lieu thereof
5 the word "*a*".

6 2. Page 7, line 5, by striking the words "*the*
7 *informal adjustment or*" and inserting in lieu thereof
8 the word "*a*".

9 3. Page 8, by striking lines 2 through 4, and
10 inserting in lieu thereof the words "filed; or".

JULIA GENTLEMAN
BOB CARR
BOB RUSH

S-5492

1 Amend House File 2453 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. ____ Section 635.1, subsection 1, unnumbered
5 paragraph 1, Code 1981, as amended by Acts of the
6 Sixty-ninth General Assembly, 1981 Session, chapter
7 199, section 1, is amended to read as follows:

8 When the gross value of the probate and nonprobate
 9 property of a decedent subject to the jurisdiction
 10 of this state does not exceed [thirty] *fifty* thousand
 11 dollars in property subject to taxation under section
 12 450.3, upon the petition of the spouse or a child
 13 of the decedent, the clerk shall issue to a resident
 14 of the state of Iowa designated by the petitioner
 15 letters of appointment of executor or administrator
 16 for administration of a small estate if either of
 17 the following occur:

18 Sec. ____ Section 635.1, subsection 2, unnumbered
 19 paragraph 1, Code 1981, as amended by Acts of the
 20 Sixty-ninth General Assembly, 1981 Session, chapter
 21 199, section 1, is amended to read as follows:

22 When the gross value of the probate and nonprobate
 23 property of a decedent subject to the jurisdiction
 24 of this state does not exceed [ten] *fifteen* thousand
 25 dollars in property subject to taxation under section
 26 450.3, upon the petition of a parent of the decedent the
 27 clerk shall issue to a resident of the state of Iowa
 28 designated by the petitioner, letters of appointment
 29 as executor or administrator for administration of
 30 a small estate if either of the following occur:"

31 2. Renumber sections as necessary.

ARTHUR A. SMALL, JR.

S-5493

1 Amend House File 2369 as amended, passed and
 2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 22 the
 4 following:

5 "9. A person who has been convicted of a third
 6 or subsequent violation of this section shall be
 7 permanently ineligible to be issued a license or
 8 permit under this chapter for the operation of a motor
 9 vehicle and shall be permanently ineligible to register
 10 a motor vehicle under this chapter. Upon a defendant's
 11 conviction for a third or subsequent violation of
 12 this section, the court shall notify the department
 13 which shall revoke any license, permit or registration
 14 held by the defendant."

EMIL J. HUSAK
 JOE BROWN

S-5494

1 Amend the amendment S-5476 to House File 2369 as

2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, line 14, by inserting after the word
 4 "jail" the words "or community-based correctional
 5 facility".

BOB CARR
 LUCAS J. DE KOSTER

S-5495

1 Amend the amendment S-5448 to House File 2369,
 2 as amended, passed and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking line 20 and inserting in
 5 lieu thereof the following:
 6 "10. Page 10, by striking lines 4 through 13 and
 7 inserting in lieu thereof the following:
 8 "Sec. ____ Chapter 321B, Code 1981, is amended
 9 by adding the following new section:
 10 *NEW SECTION. EXCEPTION.* Notwithstanding any
 11 provisions of this chapter to the contrary, if there
 12 has been a traffic accident resulting in death or
 13 a personal injury reasonably likely to cause death
 14 and a peace officer has reasonable grounds to believe
 15 that one or more of the drivers who were involved
 16 and whose driving may have been the proximate cause
 17 of the accident was intoxicated or under the influence
 18 of an alcoholic beverage or other drug at the time
 19 of the accident, the officer may require that each
 20 driver give a specimen of breath, saliva or urine
 21 for chemical testing whether or not each driver
 22 consents to the test. However, the person may request
 23 a withdrawal of his or her blood instead of the breath,
 24 saliva or urine specimen. In such instance the blood
 25 specimen shall be withdrawn by medical personnel
 26 pursuant to section 321B.4 and reasonable care shall
 27 be exercised to ensure the health and safety of the
 28 persons from whom specimens are withdrawn. Any person
 29 who knowingly resists or obstructs the withdrawal
 30 of a specimen under this section is guilty of
 31 interference with official acts and, in that event,
 32 sections 321B.7 and 321B.11 apply. This section does
 33 not apply, however, to those persons referred to in
 34 section 321B.5.
 35 Medical personnel who are authorized by section
 36 321B.4 to withdraw specimens of blood and who use
 37 due care and accepted medical practices to do so are
 38 immune from liability for their actions in complying
 39 with requests made of them under this section or

40 section 321B.4.””

ARTHUR A. SMALL, JR.

S-5496

1 Amend Senate File 2299 as follows:
 2 1. Page 2, by striking line 18 through page 3,
 3 line 5 and inserting in lieu thereof the following:
 4 “98.39 FREE CIGARETTES OR LITTLE CIGARS. A person
 5 who is a manufacturer, distributor, wholesaler, or
 6 retailer of cigarettes or little cigars shall not
 7 in the course of that trade or business distribute
 8 free cigarettes or little cigars in this state.”
 9 2. Title page, by striking line 4 and inserting
 10 in lieu thereof the words “prohibiting certain free
 11 cigarettes or little cigars from being”.

JACK W. HESTER

S-5497

1 Amend House File 2374 as passed by the House as
 2 follows:
 3 1. Page 1, by inserting after line 15 the following
 4 new section:
 5 “NEW SECTION. A person who commits an assault
 6 on a public officer while in the lawful custody of
 7 or lawfully detained by a public officer, commits
 8 a class “D” felony.”

STEPHEN W. BIENIUS

S-5498

1 Amend the amendment S-5448 to House File 2369,
 2 as amended, passed and reprinted by the House, as
 3 follows:
 4 1. Page 2, by striking line 20 and inserting in
 5 lieu thereof the following:
 6 “10. Page 10, by striking lines 4 through 13 and
 7 inserting in lieu thereof the following:
 8 “Sec. ____ Chapter 321B, Code 1981, is amended
 9 by adding the following new section:
 10 NEW SECTION. EXCEPTION. Notwithstanding any
 11 provisions of this chapter to the contrary, if there
 12 has been a traffic accident resulting in death or
 13 a personal injury reasonably likely to cause death
 14 and a peace officer has reasonable grounds to believe
 15 that one or more of the drivers who were involved
 16 and whose driving may have been the proximate cause

17 of the accident was intoxicated or under the influence
 18 of an alcoholic beverage or other drug at the time
 19 of the accident, the officer may require a specimen
 20 of each driver's blood, breath, saliva or urine for
 21 chemical testing whether or not each driver consents
 22 to the test. However, if the person objects to
 23 withdrawal of blood, the person shall give a breath,
 24 saliva or urine specimen. Blood specimen shall be
 25 withdrawn by medical personnel pursuant to section
 26 321B.4 and reasonable care shall be exercised to
 27 ensure the health and safety of the persons from whom
 28 specimens are withdrawn. Any person who knowingly
 29 resists or obstructs the withdrawal of a specimen
 30 under this section is guilty of interference with
 31 official acts and, in that event, sections 321B.7
 32 and 321B.11 apply. This section does not apply,
 33 however, to those persons referred to in section
 34 321B.5.
 35 Medical personnel who are authorized by section
 36 321B.4 to withdraw specimens of blood and who use
 37 due care and accepted medical practices to do so are
 38 immune from liability for their actions in complying
 39 with requests made of them under this section or
 40 section 321B.4."

ARTHUR A. SMALL, JR.

S-5499

1 Amend House File 2369 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 3, line 3, by inserting after the word
 4 "jail" the words "or community-based correctional
 5 facility".

BOB CARR
 LUCAS J. DE KOSTER

S-5500

1 Amend House File 2374 as passed by the House as
 2 follows:
 3 1. Page 1, by inserting after line 15 the following
 4 new subsection:
 5 "3. A person who commits an assault on a public
 6 officer while in the lawful custody of or lawfully
 7 detained by a public officer, commits a class "D"
 8 felony."

STEPHEN W. BISENIUS

S-5501

- 1 Amend House File 2369 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, lines 1 and 2, by striking the words
4 "committed within a six-year period".
5 2. Page 3, line 5, by striking the words
6 "committed within a six-year period".
7 3. Page 3, by inserting after line 5 the following:
8 "No conviction for, or plea of guilty to, a violation
9 of this section which occurred more than six years
10 prior to the date of the violation charged shall be
11 considered in determining that the violation charged
12 is a second, third or subsequent offense."

A.R. BUD KUDART

S-5502

- 1 Amend the amendment S-5493 to House File 2369 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, line 7, by striking the word "permanently".
4 2. Page 1, line 9, by striking the word "permanently".
5 3. Page 1, line 10, by inserting after the word
6 "chapter" the words "for a period of five years".
7 4. Page 1, line 14, by inserting after the word
8 "defendant" the words "for a period of five years".

RICHARD COMITO

HOUSE AMENDMENT TO SENATE FILE 2245

S-5503

- 1 Amend Senate File 2245, as passed by the Senate
2 as follows:
3 1. Page 1, by inserting after line 9 the following:
4 "Sec. 2. Section 125.13, subsection 2, Code 1981,
5 as amended by Acts of the Sixty-ninth General Assembly,
6 1981 Session, chapter 58, sections 4 through 7, is
7 amended by adding the following new lettered paragraph:
8 *NEW LETTERED PARAGRAPH.* Programs which are financed
9 and managed by a county or counties, are staffed by
10 county employees, and do not receive state payments
11 pursuant to a contract under section 125.44."
12 2. Page 1, by striking lines 10 through 12.
13 3. Page 1, lines 17 and 18, by striking the words
14 "continuing the administration" and inserting in lieu
15 thereof the words "improving the supervision".
16 4. Page 1, line 25, by striking the word "minimize"

- 17 and inserting in lieu thereof the words "to eliminate".
 18 5. Title page, line 2, by inserting after the
 19 word "program" the word "not".
 20 6. Title page, line 3, by inserting after the
 21 word "department," the words "exempting county-financed
 22 programs which do not receive state funds from
 23 licensing,".
 24 7. Renumbering as necessary.

HOUSE AMENDMENT TO SENATE FILE 2203

S-5504

- 1 Amend Senate File 2203, as passed by the Senate,
 2 as follows:
 3 1. Page 1, by inserting after line 14 the
 4 following:
 5 "The perimeter security fence to be constructed-
 6 at the Rockwell City campus with funds appropriated
 7 under this section shall enclose all residential,
 8 recreational, educational, and industrial buildings
 9 and areas located on or at the Rockwell City campus
 10 which are accessible to the general population of
 11 the medium security men's correctional facility."
 12 2. Page 1, by striking lines 33 and 34 and
 13 inserting in lieu thereof the words "*shall not be*
 14 *used, except in the case of an emergency, after occu-*".
 15 3. Page 2, line 9, by inserting after the word
 16 "Iowa," the words "in The Altoona Herald-Mitchellville
 17 Index, a newspaper published in Altoona, Iowa, in
 18 The Advocate-Enterprise-Index-Reporter, a newspaper
 19 published in Rockwell City, Iowa,".

S-5505

- 1 Amend House File 303 as passed by the House as
 2 follows:
 3 1. Page 2, by striking lines 8 through 12 and
 4 inserting in lieu thereof the following: "*tion under*
 5 *this chapter. In order to be registered, the group*
 6 *day care home shall have at least one responsible*
 7 *individual, age fourteen or older, on duty to assist the*
 8 *group day care home provider when there are more than*
 9 *six children present for more than a two hour*
 10 *period. All other requirements of this*".

ARTHUR A. SMALL, JR.
 JULIA GENTLEMAN
 C.W. BILL HUTCHINS

S-5506

- 1 Amend House File 2342 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 33, by inserting after the
- 4 word "handled." the words "It shall be a misdemeanor
- 5 to give false information concerning ownership,
- 6 origin, identification or health of said animals
- 7 and presenting said animals for sale."
- 8 2. Page 3, line 34, by inserting after the word
- 9 "by" the words "law enforcement officers and".

JACK W. HESTER

S-5507

- 1 Amend House File 2398 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 13, by striking the word "deer,"
- 4 and inserting in lieu thereof the word "[deer,]".
- 5 2. Page 1, by inserting after line 15 the following:
- 6 "*3. For each deer, three hundred dollars.*".

SUE YENGER

S-5508

- 1 Amend Senate File 2300 as follows:
- 2 1. Page 41, line 12, by inserting after the period
- 3 the words "If the company does not issue thrift
- 4 certificates as defined in section 536B.2, the company
- 5 shall pay an interest rate which represents the average
- 6 of the lowest rates paid on thrift certificates by
- 7 companies required to be members of the industrial
- 8 loan thrift guaranty corporation under chapter 536B.
- 9 This rate shall be determined by the auditor of state
- 10 as of December 31 and June 30 of each year, and the
- 11 auditor of state shall cause the rate to be published
- 12 in the Iowa administrative bulletin within twenty
- 13 days following the date of determination. The rate
- 14 so determined shall apply from the date of publication
- 15 of the rate and until a different rate is published."

PATRICK J. DELUHERY

S-5509

- 1 Amend the amendment S-5462 to House File 2463 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. By striking page 5, line 10 through page 6, line
- 4 15.

JAMES V. GALLAGHER

S-5510

- 1 Amend the amendment S-5462 to House File 2463 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 6, by striking lines 11 through 15 and
- 4 inserting in lieu thereof the words "date of this Act."

JAMES V. GALLAGHER

S-5511

- 1 Amend the amendment S-5421 to House File 2111 as
- 2 follows:
- 3 1. Page 1, by inserting after line 10, the following:
- 4 "Sec. ____ Section 710.3, unnumbered paragraph 1,
- 5 Code 1981, is amended to read as follows:
- 6 Kidnapping where the purpose is to hold the victim
- 7 for ransom, or where the victim is intentionally
- 8 subjected to sexual abuse, or where the kidnapper
- 9 is armed with a dangerous weapon is kidnapping in the
- 10 second degree. Kidnapping in the second degree is a
- 11 class "B" felony."

DICK RAMSEY

S-5512

- 1 Amend Senate File 2295 as follows:
- 2 1. Page 6, by striking lines 6 through 15, and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 12. *NEW SECTION*. PARI-MUTUEL WAGERING TAX-
- 5 RATE. A tax is imposed of four percent of the gross
- 6 sum wagered by the pari-mutuel method at each race
- 7 meeting. The licensee shall pay the imposed tax to
- 8 the treasurer of state within ten days after the close
- 9 of each race meeting for deposit in the general fund
- 10 of the state."
- 11 2. Page 6, line 21, by striking the figure "12"
- 12 and inserting in lieu thereof the figure "10".
- 13 3. Page 8, by striking line 35 through page 9,
- 14 line 1 and inserting in lieu thereof the following:
- 15 "Sec. 21. *NEW SECTION*. PARI-MUTUEL WAGERING
- 16 LEGALIZED. The system of wagering on".

MICK LURA
RAY TAYLOR
WILLIAM D. PALMER
DAVID M. READINGER
BASS VAN GILST

S-5513

- 1 Amend House File 2465 as passed by the House, as

2 follows:

3 1. Page 7, by adding after line 27 the following:

4 "Sec. 225. Section 509.3, Code 1981, is amended

5 by adding the following new subsection:

6 *NEW SUBSECTION.* A provision which will constitute
7 an offer to make available to the policyholder under
8 policies providing hospital and medical coverage on
9 an expense incurred basis, benefits for the necessary
10 care and treatment of alcohol and other drug dependency
11 that are not less favorable than for physical illness
12 generally, subject to the same durational limits,
13 dollar limits, deductibles and coinsurance factors,
14 and which offer of benefits shall be subject to the
15 right of the policyholder to reject the coverage,
16 or select any alternative level of benefits offered
17 or negotiated with the insurer. Any benefits provided
18 in a facility defined in section 125.2, subsection
19 2, not meeting the definition of a hospital, shall
20 be payable as if provided in a hospital if determined
21 to be necessary care and treatment, approved and
22 monitored by a physician licensed to practice medicine
23 and surgery or osteopathic medicine and surgery.
24 This provision shall apply to policies delivered or
25 issued for delivery more than one hundred twenty days
26 after the effective date of this Act, but shall not
27 apply to blanket, short-term travel, accident only,
28 limited or specified disease, individual or group
29 conversion policies, nor to policies designed only
30 for issuance to persons eligible for coverage under
31 Title XVIII of the Social Security Act, known as
32 medicare, or any other similar coverage under state
33 or federal governmental plans.

34 Sec. 226. Section 514.5, Code 1981, is amended
35 by adding the following new subsection:

36 *NEW SUBSECTION.* Hospital service organizations
37 shall offer and make available under group plans
38 providing hospital and medicare coverage on an expense
39 incurred, or service basis, benefits for the necessary
40 care and treatment of alcohol and other drug dependency
41 that are not less favorable than for physical illness
42 generally, subject to the same durational limits,
43 dollar limits, deductibles and coinsurance factors,
44 and which offer of benefits shall be subject to the
45 right of the subscriber to reject the coverage, or
46 select any alternative level of benefits offered or
47 negotiated with the hospital service organization.
48 Any benefits provided in a facility defined in section
49 125.2, subsection 2, not meeting the definition of
50 a hospital, shall be payable as if provided in a

Page 2

1 hospital if determined to be necessary care and
 2 treatment, approved and monitored by a physician
 3 licensed to practice medicine and surgery or
 4 osteopathic medicine and surgery. This provision
 5 shall apply to contracts delivered or issued for
 6 delivery more than one hundred twenty days after the
 7 effective date of this Act, but shall not apply to
 8 contracts designed only for issuance to subscribers
 9 eligible for coverage under Title XVIII of the Social
 10 Security Act, known as medicare, or any other similar
 11 coverage under state or federal governmental plans.
 12 Sec. 227. Section 514B.9, Code 1981, is amended
 13 by adding the following new subsection:
 14 *NEW SUBSECTION.* The health care services under
 15 group plans shall make available to enrollees benefits
 16 for the necessary care and treatment of alcohol and
 17 other drug dependency that are not less favorable
 18 than for physical illness generally, subject to the
 19 same durational limits, dollar limits, deductibles
 20 and coinsurance factors, and which offer of benefits
 21 shall be subject to the right of the enrollee to
 22 reject the coverage, or select any alternative level
 23 of benefits offered or negotiated with the
 24 organization. Any benefits provided in a facility
 25 defined in section 125.2, subsection 2, not meeting
 26 the definition of a hospital, shall be payable as
 27 if provided in a hospital if determined to be necessary
 28 care and treatment, approved and monitored by a
 29 physician licensed to practice medicine and surgery
 30 or osteopathic medicine and surgery. This coverage
 31 shall apply to services or benefits provided after
 32 one hundred twenty days after the effective date of
 33 this Act, but shall not apply to enrollees eligible
 34 for coverage under Title XVIII of the Social Security
 35 Act, known as medicare, or any other similar coverage
 36 under state or federal governmental plans.”
 37 2. Renumber as necessary.

SUE YENGER
 EDGAR H. HOLDEN
 TOM SLATER

S-5514

1 Amend House File 2439 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 3 through 24.

DICK RAMSEY

S-5515

- 1 Amend the amendment S-5462 to House File 2463 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 9, line 18, by inserting after the word
- 4 "resources" the words ", and shall hold a hearing".

JAMES V. GALLAGHER
DALE L. TIEDEN

S-5516

- 1 Amend Senate File 2295 as follows:
- 2 1. Page 5, line 12, by striking the words "racing
- 3 meets devoted to running races" and inserting in lieu
- 4 thereof the words "race meetings".

MICK LURA

S-5517

- 1 Amend Senate File 2299 as follows:
- 2 1. Page 5, by striking line 6.
- 3 2. Title page, by striking line 9 and inserting
- 4 in lieu thereof the word "and".
- 5 3. By renumbering as necessary.

CLARENCE CARNEY
BOB CARR
JOHN W. JENSEN
RICHARD VANDE HOEF
C.W. BILL HUTCHINS
FORREST V. SCHWENGELS
DALE L. TIEDEN
DONALD V. DOYLE
TOM SLATER
NORMAN RODGERS

S-5518

- 1 Amend House File 2363 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 9 through 12 and
- 4 inserting in lieu thereof the words "agricultural
- 5 land within the state, however in providing financing
- 6 for the acquisition of conservation farm equipment
- 7 preference shall be given those owners or operators
- 8 of agricultural land who have the lower net worths."

RAY TAYLOR
ARNE WALDSTEIN

S-5519

1 Amend amendment S-5180 to House File 2334 as passed
2 by the House as follows:

3 1. Page 3, by inserting after line 28 the
4 following:

5 "Sec. 10. *NEW SECTION. DEFINITIONS.* As used
6 in section 11 of this Act, unless the context otherwise
7 requires:

8 1. "Fees and other expenses" include the reasonable
9 attorney fees and reasonable expenses of expert
10 witnesses plus court costs, but they do not include
11 any portion of an attorney's fees or salary paid by
12 a unit of local, state, or federal government for
13 the attorney's services in the case.

14 2. "State" includes the state of Iowa, an agency
15 of the state, or any official of the state acting
16 in an official capacity.

17 Sec. 11. *NEW SECTION. FINES-EXPENSES.*

18 1. Unless otherwise provided by law, and if the
19 prevailing party meets the eligibility requirements
20 of subsection 2, the court in a civil action brought
21 by the state or an action for judicial review brought
22 against the state pursuant to chapter 17A other than
23 for a rule-making decision, shall award fees and other
24 expenses to the prevailing party unless the prevailing
25 party is the state. However, the court shall not
26 make an award under this section if it finds one of
27 the following:

28 a. The position of the state supported by
29 substantial evidence.

30 b. The state's role in the case was primarily
31 adjudicative.

32 c. Special circumstances exist which would make
33 the award unjust.

34 d. The action arose from a proceeding in which
35 the role of the state was to determine the eligibility
36 or entitlement of an individual to a monetary benefit
37 or its equivalent or to adjudicate a dispute or issue
38 between private parties or to establish or fix a rate.

39 e. The proceeding was brought by the state pursuant
40 to titles 35 through 37.

41 f. The proceeding involved eminent domain,
42 foreclosure, collection of judgment debts, or was
43 a proceeding in which the state was a nominal party.

44 g. The proceeding involved the Iowa merit
45 employment commission under chapter 19A.

46 h. The proceeding is a tort claim.

47 2. To be eligible for an award of fees and other
48 expenses under this section, the prevailing party
49 shall be one of the following:

50 a. A natural person.

Page 2

1 b. A sole proprietorship, partnership, corporation,
2 association, or public or private organization.

3 3. A party seeking an award for fees and other
4 expenses under this section shall submit to the court
5 not later than thirty days after final judgment is
6 made in the action, an application which provides
7 evidence of eligibility for an award under this section
8 and which specifies the amount sought. If the amount
9 sought includes an attorney's fees or fees for an
10 expert, the application shall include an itemized
11 statement for these fees indicating the actual time
12 expended in representing the party and the rate at
13 which the fees were computed.

14 4. The court, in its discretion, may reduce the
15 amount to be awarded pursuant to this section, or
16 deny an award, to the extent that the prevailing
17 party, during the course of the proceedings engaged
18 in conduct which unduly and unreasonably protracted
19 the final resolution of the matter in controversy.

20 5. An award pursuant to this section shall not
21 personally obligate any officer or employee of this
22 state for payment of an award entered under this
23 section.

24 6. Fees and other expenses awarded under this
25 section may be ordered in addition to any compensation
26 awarded in a judgment. When awarding fees and other
27 expenses against the state under this section, the
28 court shall order the auditor of state to issue a
29 warrant drawn on the state general fund for the amount
30 of the award. The treasurer of state shall pay the
31 warrant. However, if the court finds that an agency
32 of state government, against which fees and other
33 expenses are awarded for an action for judicial review
34 of an agency proceeding under chapter 17A, has acted
35 in bad faith in initiating an action deemed frivolous
36 or without merit, then the agency shall make the
37 payment ordered from the moneys appropriated to that
38 agency.

39 7. Each agency that pays fees or other expenses
40 for an action for judicial review of an agency
41 proceeding under chapter 17A shall report annually
42 to the chairs and ranking members of the appropriate
43 appropriations subcommittees of the general assembly
44 the amount of fees or other expenses paid during the
45 preceding fiscal year by that agency. In its report
46 the agency shall describe the number, nature, and
47 amount of the awards, the claims involved in the

48 action, and other relevant information which might
 49 aid the general assembly in evaluating the scope and
 50 impact of these awards.

Page 3

1 Sec. ____ Sections 10 and 11 of this Act apply
 2 only to legal and administrative agency proceedings
 3 initiated after the effective date of this Act.”
 4 2. Page 3, line 45, by inserting after the word
 5 “levy,” the words “by providing for the payment of
 6 costs in certain civil and administrative actions
 7 to which the state is a party”.

GARY L. BAUGHER
 DONALD V. DOYLE

S-5520

1 Amend House File 2374 as passed by the House as
 2 follows:
 3 1. Page 1, by inserting after line 15 the following
 4 new subsection:
 5 “3. *A person who commits an assault on a public*
 6 *officer while attempting to escape from the lawful*
 7 *custody of or lawful detention by a public officer,*
 8 *commits a class “D” felony.”*
 9 2. Title, line 2, by inserting after the word
 10 “institution” the words “or escape from lawful custody
 11 of or detention by a public officer”.

STEPHEN W. BISENIUS

S-5521

1 Amend Senate File 2295 as follows:

DIVISION S—5521A

2 1. Page 2, line 28, by inserting after the word
 3 “HORSE” the words “OR DOG”.
 4 2. Page 2, line 33, by inserting after the word
 5 “horse” the words “or dog”.
 6 3. Page 2, line 35, by inserting after the word
 7 “horse” the words “or dog”.
 8 4. Page 3, line 2, by inserting after the word
 9 “horse-race” the words “or dog-race”.
 10 5. Page 4, line 11, by inserting after the word
 11 “horse” the words “or dog”.
 12 6. Page 4, line 14, by inserting after the word

- 13 "horses" the words "or dogs".
14 7. Page 4, line 18, by inserting after the word
15 "horse" the words "or dog".
16 8. Page 4, line 21, by inserting after the word
17 "horses" the words "or dogs".
18 9. Page 4, line 25, by inserting after the word
19 "horse" the words "or dog".
20 10. Page 4, line 27, by inserting after the word
21 "horses" the words "or dogs".
22 11. Page 4, line 28, by inserting after the word
23 "horses" the words "or dogs".
24 12. Page 4, line 32, by inserting after the word
25 "horses" the words "or dogs".
26 13. Page 5, line 10, by inserting after the word
27 "foaled" the words "or dogs whelped".
28 14. Page 5, line 15, by inserting after the word
29 "horse-race" the words "or dog-race".
30 15. Page 6, line 5, by inserting after the word
31 "horse" the words "or dog".

DIVISION S—5521B

- 32 16. Page 7, by striking line 10 and inserting
33 in lieu thereof the following: "of paying premiums
34 for horse or dog exhibits or shows or for horse or
35 dog".
36 17. Page 7, line 11, by inserting after the word
37 "horse" the words "or dog".
38 18. Page 7, by striking line 13 and inserting
39 in lieu thereof the following: "a county 4-H club
40 show for horse or dog shows or horse or dog related".

DIVISION S—5521A (cont'd.)

- 41 19. Page 7, line 15, by inserting after the word
42 "HORSE" the words "OR DOG".
43 20. Page 8, line 6, by inserting after the word
44 "HORSES" the words "AND DOGS".
45 21. Page 8, line 8, by inserting after the word
46 "foaled" the words "or dogs whelped".
47 22. Page 8, line 9, by inserting after the word
48 "horses" the words "or dogs".
49 23. Page 8, line 11, by inserting after the word
50 "foaled" the words "or a dog whelped".

Page 2**DIVISION S—5521A (cont'd.)**

- 1 24. Page 8, line 12, by inserting after the word

- 2 "foal" the words "or pup".
- 3 25. Page 8, by striking lines 16 and 17 and
4 inserting in lieu thereof the following: "horse and
5 dog breeders fund and distribute it equally by December
6 31 of each calendar year to the breeders of the winning
7 Iowa-foaled horse and Iowa-whelped dog."
- 8 26. Page 8, line 19, by striking the words "racing
9 or horse-race" and inserting in lieu thereof the words
10 "or dog racing or horse-race or dog-race".
- 11 27. Page 8, line 26, by inserting after the word
12 "horse" the words "or dog".
- 13 28. Page 8, line 26, by inserting after the word
14 "horse-race" the words "or dog-race".
- 15 29. Page 8, line 29, by inserting after the word
16 "horse" the words "or dog".
- 17 30. Page 8, line 29, by inserting after the word
18 "horse-race" the words "or dog-race".
- 19 31. Page 9, line 2, by inserting after the word
20 "horse" the words "or dog".
- 21 32. Page 9, line 4, by inserting after the word
22 "horse-race" the words "or dog-race".
- 23 33. Page 9, line 5, by inserting after the word
24 "HORSES" the words "AND DOGS".
- 25 34. Page 9, line 7, by inserting after the word
26 "horse" the words "or dog".
- 27 35. Page 9, line 9, by inserting after the word
28 "horse" the words "or dog".
- 29 36. Page 9, line 10, by inserting after the word
30 "horse" the words "or dog".
- 31 37. Page 9, line 11, by inserting after the word
32 "horse" the words "or dog".
- 33 38. Page 9, line 14, by inserting after the word
34 "horse" the words "or dog".
- 35 39. Page 9, line 15, by inserting after the word
36 "horse" the words "or dog".
- 37 40. Page 10, line 2, by inserting after the word
38 "horses" the words "or dogs".
- 39 41. Page 10, line 13, by striking the word "sixty"
40 and inserting in lieu thereof the word "fifty".
- 41 42. Page 10, line 14, by inserting after the word
42 "miles." the words "However, locations that are
43 separated by at least fifty road miles may have both
44 a horse-race track and a dog-race track. The
45 commissioner shall authorize only one horse-race
46 meeting or one dog-race meeting on the same date to
47 locations that are separated by one hundred ten road
48 miles or less and shall not authorize both a horse-
49 race meeting and a dog-race meeting on the same date
50 to locations that are separated by one hundred ten

Page 3

DIVISION S—5521A (cont'd.)

- 1 road miles or less."
- 2 43. Page 11, line 19, by inserting after the word
- 3 "horse" the words "or dog".
- 4 44. Title page, line 4, by inserting after the
- 5 word "horse" the words "or dog".

TED ANDERSON

S-5522

- 1 Amend House File 2439 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 23 and 24.

DICK RAMSEY

S-5523

- 1 Amend the Committee on State Government amendment,
- 2 S-5391, to House File 2218 as amended, passed and
- 3 reprinted by the House, as follows:
- 4 1. By striking lines 9 through 15 and inserting
- 5 in lieu thereof the following:
- 6 "4. Page 2, line 30, by striking the words "*state*
- 7 *department of health*" and inserting in lieu thereof
- 8 the words "*insurance department*".
- 9 5. Page 3, line 21, by inserting after the word
- 10 "these" the words ", pursuant to a prearranged funeral
- 11 plan".
- 12 6. Page 3, by striking line 30 and inserting in
- 13 lieu thereof the words "perpetual care or maintenance."
- 14 7. Page 3, line 34, by inserting after the word
- 15 "caskets," the word "vaults,".
- 16 8. Page 4, by striking lines 1 through 3 and
- 17 inserting in lieu thereof the words "include grave
- 18 markers, tombstones, ornamental merchandise, and
- 19 monuments."
- 20 9. Page 4, by striking lines 6 through 20 and
- 21 inserting in lieu thereof the following:
- 22 "*NEW SECTION. COMPLIANCE WITH OTHER LAWS. The*
- 23 *seller of funeral services or funeral merchandise*
- 24 *shall comply with chapter 82 with respect to all*
- 25 *contracts that are subject to regulation under this*
- 26 *chapter. A failure to comply is subject to the*
- 27 *remedies and penalties provided in that chapter.*
- 28 Sec. ____ Chapter 523A, Code 1981, is amended

29 by adding the following new section:

30 *NEW SECTION. BOND IN LIEU OF TRUST FUND.*

31 1. In lieu of the trust fund required by sections
32 523A.1 and 523A.2, a seller may file with the county
33 attorney of the county in which the seller maintains
34 its principal place of business a surety bond in open
35 penalty that is issued by a surety company authorized
36 to do business in this state and that is conditioned
37 on the faithful performance by the seller of agreements
38 subject to this chapter. The liability of the surety
39 extends to each agreement that is subject to this
40 chapter and that is executed during the time the bond
41 is in force and until performance of the agreement
42 or rescission of the agreement by mutual consent of
43 the parties; and, to the extent expressly agreed to
44 in writing by the surety company under subsection
45 3, paragraph b, the liability of the surety extends
46 to each agreement that is subject to this chapter
47 and that was executed prior to the time the bond was
48 in force and until performance of the agreement or
49 rescission of the agreement by mutual consent of the
50 parties. A buyer who is aggrieved by a breach of

Page 2

1 a condition of the bond covering the contract of that
2 buyer may maintain an action against the bond, provided
3 that the surety shall not be liable as a result of
4 any breach of condition unless notice of a claim is
5 received by the surety within sixty days following
6 the acts, omissions or conditions constituting the
7 breach of condition, except as otherwise provided
8 in subsection 2. A surety bond submitted under this
9 subsection shall not be canceled by a surety company
10 except upon a written notice of cancellation given
11 by the surety company to the county attorney by
12 restricted certified mail, and the surety bond shall
13 not be canceled prior to the expiration of sixty days
14 after the receipt by the county attorney of the notice
15 of cancellation.

16 2. If a seller becomes insolvent or otherwise
17 ceases to engage in business prior to or within sixty
18 days after the cancellation of a bond submitted under
19 subsection 1, the seller shall be deemed to have
20 breached the conditions of the surety bond with respect
21 to all outstanding contracts subject to this chapter
22 as of the day prior to cancellation of the bond.
23 The county attorney shall mail written notice by
24 restricted certified mail to the buyer under each

25 outstanding contract of the seller that a claim against
26 the bond must be filed with the surety company within
27 sixty days after the date of mailing of the notice.
28 The surety company shall cease to be liable with
29 respect to all agreements except those for which
30 claims are filed with the surety company within sixty
31 days after the date the notices are mailed by the
32 county attorney.

33 3. If a surety bond is canceled by a surety company
34 under any conditions other than those specified in
35 subsection 2, the seller shall comply with paragraphs
36 a and b of this subsection:

37 a. The seller shall comply with the trust
38 requirements of sections 523A.1 and 523A.2 with respect
39 to all contracts subject to this chapter that are
40 executed on or after the effective date of cancellation
41 of the surety bond, or the seller may submit a
42 substitute surety bond meeting the requirements of
43 subsection 1, provided that the seller shall comply
44 with sections 523A.1 and 523A.2 with respect to any
45 contracts executed on or after the effective date
46 of cancellation of the earlier surety bond and prior
47 to the date on which the later surety bond takes
48 effect.

49 b. Within sixty days after the effective date
50 of the cancellation of the surety bond, the seller

Page 3

1 shall submit to the county attorney an undertaking
2 by another surety company that a substitute surety
3 bond meeting the requirements of subsection 1 is in
4 effect and that the liability of the substitute surety
5 bond extends to all outstanding contracts of the
6 seller that were executed but not performed or
7 extinguished prior to the effective date of the
8 substitute surety bond, or the seller shall submit
9 to the county attorney a financial statement
10 accompanied by an unqualified opinion based upon an
11 audit performed by a certified public accountant
12 licensed in this state certifying the total amount
13 of outstanding liabilities of the seller on contracts
14 subject to this chapter and proof of deposit by the
15 seller in trust under sections 523A.1 and 523A.2 of
16 either the amount specified in sections 523A.1 with
17 respect to all of those outstanding contracts or such
18 lesser amount as is certified in the report of the
19 certified public accountant to be adequate to assure
20 the performance by the seller of each of those

21 outstanding contracts. Upon compliance by the seller
 22 with this paragraph, the surety company canceling
 23 the surety bond shall cease to be liable with respect
 24 to any outstanding contracts of the seller except
 25 those with respect to which a breach of condition
 26 occurred prior to cancellation and timely claims were
 27 filed.

28 4. Section 523A.2, subsection 1, paragraphs b
 29 and f, subsection 5, and, to the extent it is
 30 applicable, subsection 6, apply to sellers whose
 31 agreements are covered by a surety bond maintained
 32 under this section, and section 523A.2 continues to
 33 apply to any agreements of those sellers that are
 34 not covered by a surety bond maintained under this
 35 section.

36 5. Upon receiving a notice of cancellation of
 37 a surety bond, the county attorney shall notify the
 38 seller of the requirements of this chapter resulting
 39 from cancellation of the bond. The notice may be
 40 in the form of a copy of this section and sections
 41 523A.1 and 523A.2.

42 6. Upon receiving a notice of cancellation, unless
 43 the seller has complied with the requirements of this
 44 section, the county attorney shall seek an injunction
 45 to prohibit the seller from making further agreements
 46 subject to this chapter and shall commence an action
 47 to attach and levy execution upon property of the
 48 seller when the seller fails to perform an agreement
 49 subject to this chapter, to the extent necessary to
 50 secure compliance with this chapter, and may bring

Page 4

1 criminal charges under section 523A.2, subsection
 2 6.

3 Sec. ____ Section 82.1, Code 1981, is amended
 4 by adding the following new subsection:

5 *NEW SUBSECTION.* "Door-to-door sale" also means
 6 a sale of funeral services or funeral merchandise
 7 regulated under chapter 523A, irrespective of the
 8 place or manner of sale."

9 2. By renumbering as necessary.

RICHARD F. DRAKE
 CHARLES P. MILLER
 FORREST V. SCHWENGELS
 JOE BROWN
 ROLF V. CRAFT
 JOHN N. NYSTROM

LOWELL L. JUNKINS
C. JOSEPH COLEMAN

S-5524

1 Amend House File 2363 as amended, passed and
2 reprinted by the House as follows:

DIVISION S—5524A

3 1. Page 1, line 10, by inserting after the word
4 "state" the words "provided the net worth of the
5 applicant is one million dollars or less".

DIVISION S—5524B

6 2. Page 2, line 9, by inserting after the word
7 "state" the words "provided the net worth of the
8 applicant is one million dollars or less".

C.W. BILL HUTCHINS

S-5525

1 Amend the amendment S-5518 to House File 2363 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, line 5, by inserting after the word
4 "state" the words "provided the net worth of the
5 applicant is one million dollars or less".

C.W. BILL HUTCHINS

S-5526

1 Amend House File 2090, as passed by the House,
2 as follows:
3 1. Page 1, by inserting after line 12 the
4 following:
5 "Sec. ____ Section 321.178, subsection 1,
6 unnumbered paragraph 2, Code 1981, is amended to read
7 as follows:
8 Every public school district in Iowa shall offer
9 or make available to all students residing in the
10 school district or Iowa students attending a nonpublic
11 school in the district an approved course in driver
12 education. [Said] *The* courses may be offered at sites
13 other than at the public school, including nonpublic
14 school facilities within the public school districts.
15 An approved course offered during the summer months,
16 on Saturdays, after regular school hours during the
17 regular terms or partly in one term or summer vacation.

18 period and partly in the succeeding term or summer
 19 vacation period, as the case may be, shall satisfy
 20 the requirements of this section to the same extent
 21 as an approved course offered during the regular
 22 school hours of the school term. A student who
 23 successfully completes and obtains certification in
 24 an approved course in driver education *or an approved*
 25 *course in motorcycle education* may, upon proof of
 26 such fact, be excused from any field test which [he]
 27 *the student* would otherwise be required to take in
 28 demonstrating [his] *the student's* ability to operate
 29 a motor vehicle."
 30 2. Renumber as necessary.

RICHARD F. DRAKE
 JOHN W. JENSEN

HOUSE AMENDMENT TO SENATE FILE 539

S-5527

1 Amend Senate File 539 as passed by the Senate,
 2 as follows:
 3 1. Page 3, by striking lines 13 through 17 and
 4 inserting in lieu thereof the words "*officers, the*
 5 *parents, brothers, sisters, children [or], and step-*
 6 *children of [such] either the officers [and their] or*
 7 *the spouses of the officers, and the spouses of the*
 8 *brothers, sisters, children, and stepchildren of*
 9 *either the officers or the spouses of the officers,*
 10 *and (d) the spouse of a partner*".
 11 2. Page 11, by striking lines 11 through 17 and
 12 inserting in lieu thereof the words "*employment or*
 13 *an amount equal to one hundred and forty percent of*
 14 *the statewide average weekly wage, whichever is*
 15 *greater.*"

HOUSE AMENDMENT TO SENATE FILE 276

S-5528

1 Amend Senate File 276 as passed by the Senate as
 2 follows:
 3 1. Page 1, line 10, by inserting after the word
 4 "the" the word "appointed".
 5 2. Page 1, line 10, by inserting after the word
 6 "expire" the words "at midnight April 30 of".
 7 3. Page 1, line 32, by striking the word "July"
 8 and inserting in lieu thereof the word "May".
 9 4. Page 1, line 33, by inserting after the word

10 "the" the word "elected".

11 5. Page 1, line 33, by striking the words "on
12 June" and inserting in lieu thereof the words "at
13 midnight April".

14 6. Page 2, line 3, by striking the words "on June"
15 and inserting in lieu thereof the word "April".

16 7. Page 2, line 14, by striking the words "June
17 thirtieth" and inserting in lieu thereof the word
18 and figure "April 30".

19 8. Page 2, by inserting after line 14 the
20 following:

21 "Sec. ____ Section 46.5, Code 1981, is amended
22 by adding the following new unnumbered paragraph:
23 *NEW UNNUMBERED PARAGRAPH.* When a vacancy in an
24 office of an elective judicial nominating commissioner
25 occurs, the clerk of the supreme court shall arrange
26 for the publication of a notice stating the existence
27 of the vacancy and the manner in which the vacancy
28 will be filled in those publications which the clerk
29 of the supreme court deems likely to give reasonable
30 notice to the eligible voting members of the bar of
31 the district in which the vacancy occurs. The election
32 of a district judicial nominating commissioner or
33 the close of nominations for a state judicial
34 nominating commissioner shall not occur until thirty
35 days after the publication of the notice.

36 Sec. ____ Section 46.7, Code 1981, is amended
37 to read as follows:

38 46.7 ELIGIBILITY TO VOTE. To be eligible to vote
39 in elections of judicial nominating commissioners,
40 a member of the bar must [have registered in writing
41 with the clerk of the district court of the county
42 of his residence at the last bar registration preceding
43 such election] *be a resident of the state of Iowa and*
44 *of the appropriate congressional district as shown*
45 *by the mailing address of the member on the member's*
46 *most recent filing with the supreme court for the*
47 *purposes of showing compliance with continuing legal*
48 *education requirements.* A judge who has been admitted
49 to the bar of the state of Iowa shall be considered
50 a member of the bar.

Page 2

1 Sec. ____ Section 46.8, Code 1981, is amended
2 by striking the section and inserting in lieu thereof
3 the following:

4 46.8 CERTIFIED LIST. On October 1 of each year
5 the clerk of the supreme court shall certify a list

6 of the names, addresses and years of admission of
7 members of the bar who are eligible to vote for state
8 and district judicial nominating commissioners.
9 Sec. ____ Section 46.9, unnumbered paragraph 4,
10 Code 1981, is amended to read as follows:
11 Vote for (state number) for Iowa State (or Iowa
12 Judicial District) judicial nominating
13 commissioner(s) for term commencing
14 ____ [JOHN DOE] CANDIDATE'S NAME
15 ____ [RICHARD ROE] CANDIDATE'S NAME
16
17
18 Sec. ____ Section 602.18, unnumbered paragraph
19 14, Code 1981, is amended to read as follows:
20 Election district 5A [shall consist] *consists of*
21 the counties of Guthrie, Dallas, [Polk,] Jasper, Madison,
22 Warren, and Marion. Election district 5B [shall consist]
23 *consists of* the counties of Adair, Adams, Union,
24 Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.
25 *Election district 5C consists of the county of Polk.*
26 Sec. ____ Section 602.45, Code 1981, is amended
27 to read as follows:
28 602.45 ELIGIBILITY TO VOTE. Eligibility to vote
29 in elections of judicial magistrate appointing
30 commissioners within a county shall be [registration
31 as a member of the bar] in accordance with sections
32 46.7 and 46.8, and residency within the county.
33 Sec. ____ Sections 1 and 2 of this Act shall not
34 cause the removal from office of any appointive or
35 elective member of the state judicial nominating
36 commission in office on the effective date of this
37 Act. Those persons shall be entitled to serve the
38 remainder of the respective terms to which appointed
39 or elected.”
40 9. Page 2, by striking lines 15 and 16.
41 10. Renumber sections as necessary.
42 11. Amend the title, line 1, by inserting after
43 the words “relating to” the words “the Iowa judicial
44 system, and providing for the reorganization of
45 judicial district five into three judicial election
46 districts, and providing for”.

HOUSE AMENDMENT TO SENATE FILE 2280

S-5529

1 Amend Senate File 2280, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, line 24, by striking the words

- 4 "including damages for wrongful death" and inserting
5 in lieu thereof the words "in an amount and in the
6 manner provided by the offender's plan of restitution".
7 2. Page 2, line 27, by striking the words "and
8 the same" and inserting in lieu thereof the word
9 "which".
10 3. Page 2, line 34, by striking the words
11 "examination of" and inserting in lieu thereof the
12 words "examination, or both, of".
13 4. Page 2, line 35, by striking the words "or
14 both,".
15 5. Page 5, lines 1 and 2, by striking the words
16 "facts and".
17 6. Page 5, line 6, by striking the words "facts
18 and".
19 7. Page 5, line 15, by striking the words "facts
20 and".
21 8. Page 5, line 19, by striking the words "facts
22 and".
23 9. Page 5, line 30, by striking the words "facts
24 and".
25 10. Page 6, line 3, by striking the words "facts
26 and".
27 11. Page 6, line 9, by striking the words "facts
28 and".
29 12. Page 6, line 16, by striking the words "facts
30 and".
31 13. Page 8, line 26, by inserting after the word
32 "furnished" the words "*in writing*".
33 14. Page 8, line 29, by striking the words "
34 in writing" and inserting in lieu thereof the words
35 "[, in writing]".

HOUSE AMENDMENT TO SENATE FILE 2202

S-5530

- 1 Amend Senate File 2202, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 3, by striking the words "or a
4 person" and inserting in lieu thereof the words "to
5 a person".
6 2. Page 3, by inserting after line 23 the
7 following:
8 "The state board of pharmacy examiners may designate
9 a substance as an imitation controlled substance
10 pursuant to the board's rule-making authority and
11 in accordance with chapter 17A."
12 3. Page 3, line 25, by inserting after the word

- 13 "When" the words "a substance has not been designated
 14 as an imitation controlled substance by the state
 15 board of pharmacy examiners and when".
 16 4. Page 5, line 24, by inserting after the word
 17 "However," the word "imitation".
 18 5. Page 5, by striking line 26 and inserting in
 19 lieu thereof the words "Imitation controlled
 20 substances".
 21 6. Page 7, by striking lines 34 and 35.

S-5531

- 1 Amend the amendment, S-5462, to House File 2463,
 2 as amended, passed and reprinted by the House, as
 3 follows:
 4 1. Page 2, by inserting after line 18 the
 5 following:
 6 "Sec. ____ Section 455B.45, subsection 1, Code
 7 1981, is amended to read as follows:
 8 1. The construction, installation or modification
 9 of any disposal system or water supply distribution
 10 system or part thereof or any extension or addition
 11 thereto except those sewer extensions and water supply
 12 distribution system extensions that are subject to
 13 review and approval by a city or county public works
 14 department pursuant to this section. *A permit shall*
 15 *be issued for the construction, installation or*
 16 *modification of a water supply distribution system*
 17 *or part of a system if a qualified, registered engineer*
 18 *certifies that the plans for the system or part of*
 19 *the system meet the requirements of federal law or*
 20 *regulations."*
 21 2. By numbering sections and internal references
 22 to sections to conform to this amendment.

FORREST V. SCHWENGELS

S-5532

- 1 Amend the amendment, S-5462, to House File 2463,
 2 as amended, passed and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 20, by inserting after the word
 5 "department." the words "*A rule adopted under this*
 6 *chapter to carry out a federal regulation shall not*
 7 *become effective if the rule is more restrictive than*
 8 *required by the federal regulation unless the rule*
 9 *is approved by enactment of the general assembly."*

FORREST V. SCHWENGELS

S-5533

- 1 Amend House File 2393, as passed by the House,
- 2 as follows:
- 3 1. By striking page 2, line 20, through page 3,
- 4 line 6.

COMMITTEE ON APPROPRIATIONS
JOHN S. MURRAY, Chair

S-5534

- 1 Amend House File 2465 as passed by the House as
- 2 follows:
- 3 1. Page 9, by inserting after line 15 the
- 4 following new section:
- 5 "Sec. 29. Acts of the Sixty-eighth General Assembly,
- 6 1980 Session, chapter 1036, section 33, subsection 1,
- 7 is repealed."

FORREST V. SCHWENGELS
TOM SLATER
RICHARD COMITO
DICK RAMSEY

S-5535

- 1 Amend House File 2430 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking line 21, and inserting
- 4 in lieu thereof the words "[to recover damages for
- 5 personal injuries or wrongful death]".

BOB RUSH

S-5536

- 1 Amend Senate File 2300 as follows:
- 2 1. Page 18, by inserting after line 34 the
- 3 following:
- 4 "Sec. ____ Chapter 534, Code 1981, is amended
- 5 by adding the following new section:
- 6 *NEW SECTION. LIMITATION ON POWERS.*
- 7 1. A service corporation shall not make a
- 8 commercial loan or accept a commercial NOW account
- 9 except during those periods of time, if any, when
- 10 federal service corporations are granted similar
- 11 authority under a federal statute or regulation, and
- 12 the state authorization is subject to the conditions
- 13 and limitations imposed upon federal service
- 14 corporations for a similar activity. Except as

15 provided in this section, an association shall not
16 make a commercial loan or accept a commercial NOW
17 account except during those periods of time, if any,
18 when federal associations are granted similar authority
19 under federal statute or regulation, and the state
20 authorization is subject to the conditions and
21 limitations imposed upon federal associations for
22 similar activity. However, an association may make
23 commercial loans and accept commercial NOW accounts
24 under the restrictions contained in subsections 2
25 and 3 without regard to the authority granted federal
26 associations.

27 2. As an annual average, based on monthly
28 computations, an association may hold not more than
29 one percent of its assets in commercial loans, provided
30 that this limitation shall increase to two percent
31 of assets on July 1, 1983, to three percent of assets
32 on July 1, 1984, and this limitation shall be increased
33 by an additional one percent of assets on each July
34 1 thereafter.

35 3. An association may accept a commercial NOW
36 account only from a person who at the time the account
37 is opened has a commercial loan from the association.

38 4. For purposes of this section a "commercial
39 loan" is a loan to a person borrowing money for a
40 business or agricultural purpose. As used in this
41 paragraph, "agricultural purpose" means as defined
42 in section 535.13; and "business purpose" includes
43 but is not limited to a commercial, service or
44 industrial enterprise carried on for profit, and any
45 investment activity. However "commercial loan" does
46 not include a loan secured by an interest in real
47 estate for the purpose of financing the acquisition
48 of real estate or the construction of improvements
49 on real estate. In determining which loans are
50 "commercial loans" the rules of construction stated

Page 2

1 in Acts of the Sixty-ninth General Assembly, 1981
2 Session, chapter 177, section 1, subsection 1,
3 paragraph f, subparagraphs (1), (2), (3) and (4) shall
4 apply.

5 5. For purposes of this section a "commercial
6 NOW account" is a NOW account on which an association
7 was prohibited from paying interest on the effective
8 date of this Act by federal statutes or regulations.
9 As used in this paragraph a "NOW account" is a savings
10 account authorized by section 534.11, subsection 11,

11 as amended by this Act.

12 6. For purposes of this section a lease of personal
13 property shall be treated as a commercial loan if
14 a loan to the lessee to acquire the property would
15 have been a commercial loan."

16 2. By renumbering sections and correcting internal
17 references.

JOHN S. MURRAY
CLARENCE CARNEY
BOB RUSH
RICHARD VANDE HOEF
BASS VAN GILST
TED ANDERSON

S-5537

1 Amend House File 738 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 18 through 21,
4 and inserting in lieu thereof the following:
5 "*maximum length of channel catfish, effective January*
6 *1, 1982, shall be fifteen inches or over in length.*"

CHARLES P. MILLER

S-5538

1 Amend Senate File 2295 as follows:

2 1. Page 4, line 7, by striking the words "but
3 not elsewhere,".

4 2. Page 5, by inserting after line 3 the following:

5 "Sec. ____ *NEW SECTION. OFF-TRACK PARI-MUTUEL*
6 *WAGERING.*

7 1. The commission may license facilities in which
8 off-track pari-mutuel wagering on horse-race meetings
9 may be conducted. Subject to this section and any
10 rules adopted by the commissioner, the facilities
11 may conduct wagers on horse-race meetings both within
12 and without the state.

13 2. For horse-race meetings within the state, off-
14 track pari-mutuel wagering shall result in the
15 combination of all off-track wagers with on-track
16 wagers so as to produce common pari-mutuel betting
17 pools for the calculation of odds and the determination
18 of payouts from the pool, which payout shall be the
19 same for all winning tickets, irrespective of whether
20 a wager is placed off-track or on-track.

21 3. Exotic or multiple bets on races run within
22 the state may be approved by the commission without

23 a comparable on-track pool, provided that the
 24 corporation or association conducting the races shall
 25 have filed with the commission a written consent for
 26 the off-track exotic or multiple bets on races held
 27 at its track.

28 4. The board may approve separate off-track pools
 29 on races run in other states subject to the limitations
 30 of this Act.

31 5. The commission shall adopt rules relating to
 32 the licensing of the facilities and shall adopt other
 33 rules necessary and in the public interest to regulate
 34 the operation of the facilities. These rules shall
 35 include but are not limited to the following:

36 a. Prohibiting persons under the age of eighteen
 37 years from entering off-track facilities.

38 b. Limiting the availability or use of
 39 publications, written materials, or communications
 40 equipment within the facilities as the board determines
 41 to be in the public order.

42 c. Prohibiting the sale of food and beverages
 43 in the facilities.

44 d. Providing the method for the results of races
 45 to be communicated to the commission and the public."

46 3. Renumber as necessary.

GARY L. BAUGHER

S-5539

1 Amend amendment S-5536 to Senate File 2300 as
 2 follows:

3 1. Page 1, by striking lines 32 through 34 and
 4 inserting in lieu thereof the following: "on July
 5 1, 1984, to four percent of assets on July 1, 1985,
 6 and to five percent of assets on July 1, 1986, but
 7 further provided that commencing on the effective
 8 date of any federal statute or federal rule or
 9 regulation removing all limitations or controls on
 10 the rates of interest that may be paid by banks and
 11 savings and loan associations on savings accounts,
 12 an association may hold not more than ten percent
 13 of its assets in commercial loans."

C.W. BILL HUTCHINS

S-5540

1 Amend the amendment, S-5536 to Senate File 2300 as
 2 follows:

3 1. Page 1, line 10, by inserting after the word

- 4 "granted" the words "and can exercise".
 5 2. Page 1, line 18, by inserting after the word
 6 "granted" the words "and can exercise".

C.W. BILL HUTCHINS

S-5541

- 1 Amend Senate File 2300 as follows:
 2 1. Page 1, line 6, by inserting after the word
 3 "the" the word "reduced".

C.W. BILL HUTCHINS

S-5542

- 1 Amend Senate File 2300 as follows:

DIVISION S—5542A

- 2 1. Page 6, by inserting after line 13 the
 3 following:
 4 "Sec. ____ Section 534.5, subsection 1, Code 1981,
 5 as amended by Acts of the Sixty-ninth General Assembly,
 6 1981 Session, chapter 175, section 1, is amended to
 7 read as follows:
 8 1. EXCLUSIVENESS OF ACCESS. Every member shall
 9 have the right to inspect such books and records of
 10 an association as pertain to the member's loan or
 11 savings investment. Otherwise, the right of inspection
 12 and examination of the books and records shall be
 13 limited (a) to the supervisor or a duly authorized
 14 representative as provided in this chapter (b) to
 15 persons duly authorized to act for the association,
 16 and (c) to any federal instrumentality or agency
 17 authorized to inspect or examine the books and records
 18 of an insured association or of an uninsured member
 19 by the federal home loan bank. The accounts and loans
 20 of members shall be kept confidential by the
 21 association, its directors, officers and employees,
 22 and by the supervisor and the supervisor's examiners
 23 and representatives, provided that the association
 24 may, upon receipt of the written consent of a member,
 25 furnish information concerning that member's loans
 26 and savings investments to a person who the association
 27 has reason to believe intends to use the information
 28 in connection with a credit transaction involving
 29 the member on whom the information is to be furnished
 30 and involving the extension of credit to, or review
 31 or collection of an account of, the member. No member

32 or any other person shall have access to the books
 33 and records [or shall possess a partial or complete
 34 list of the members] except upon express action and
 35 authority of the board of directors. *Every association*
 36 *shall compile prior to its annual meeting, and shall*
 37 *make available to any member upon request of the*
 38 *member, a list by name of the aggregate remuneration*
 39 *paid by the association during the preceding fiscal*
 40 *year to each of the association's five highest paid*
 41 *officers and to each director of the association.*

DIVISION S—5542B

42 Sec. ____ Section 534.5, subsection 2, Code 1981,
 43 is amended to read as follows:
 44 2. Communication with members. In the event,
 45 however, that any member or members desire to
 46 communicate with other members of the association
 47 with reference to any question pending or to be
 48 presented for consideration at a meeting of the
 49 members, the association shall *make available for*
 50 *copying by any member, upon request of that member,*

Page 2

DIVISION S—5542B (cont'd.)

1 *a list of the names and last known mailing addresses*
 2 *of each of the other members of the association, or,*
 3 *at the requesting member's discretion, shall furnish*
 4 *[upon request] a statement of the approximate number*
 5 *of members of the association at the time of [such]*
 6 *the request, and an estimate of the cost of forwarding*
 7 *[such] the communication. [The requesting] If the*
 8 *requesting member desires to have the communication*
 9 *forwarded by the association, the member or members*
 10 *shall then submit the communication to the supervisor*
 11 *who, [if he finds] upon finding it to be appropriate,*
 12 *truthful and in the best interests of the association*
 13 *and all its members, shall execute a certificate*
 14 *setting out [such] the findings, forward the certificate*
 15 *together with the communications to the association,*
 16 *and direct that the communication be prepared and*
 17 *mailed by the association to the members upon the*
 18 *requesting member's or members' payment [to it] of the*
 19 *expenses of [such] preparation and mailing."*

DIVISION S—5542C

20 2. Page 14, by inserting after line 6 the

21 following:

22 "Sec. ____ Section 534.12, subsection 1, Code
23 1981, is amended to read as follows:
24 1. Voting. Each member shall have one vote for
25 each one hundred dollars of net equity above share
26 loans in his or her share account owned and held by
27 him or her at any election, and may vote the same
28 by proxy, but no person shall vote more than ten
29 percent of the savings liability at the time of said
30 election excepting that proxies held and voted by
31 an individual member or a proxy committee shall not
32 be included in said ten percent limitation. Every
33 proxy shall be in writing and shall[, unless otherwise
34 specified in the proxy,] continue in force for eleven
35 months from the date thereof. No proxies shall be
36 voted at any meeting unless such proxies have been
37 on file with the secretary of the association for
38 verification at least five days before the date of
39 the meeting. Anyone depositing or transferring savings
40 as collateral security shall be deemed the owner of
41 such share account within the meaning of this section.
42 Notice of the regular annual meeting of members of
43 an association shall be given by publishing said
44 notice in a newspaper of general circulation in the
45 county in which the office of said association is
46 located at least thirty days before the date set for
47 said annual meeting. Proxies may be revoked by any
48 member upon written notice to the secretary of an
49 association; by execution of a written proxy to another
50 agent; or by personal attendance by the member at

Page 3

DIVISION S—5542C (cont'd.)

1 the members' meetings. Each member as defined by
2 section 534.2, subsection 8, shall, regardless of
3 shares, be entitled to at least one vote at any
4 members' meeting."

5 3. By renumbering sections and correcting internal
6 references.

ARTHUR A. SMALL, JR.
RICHARD F. DRAKE

S-5543

1 Amend Senate File 2300 as follows:

2 1. Page 16, by inserting after line 8 the
3 following:

4 "Sec. 100. Section 534.19, Code 1981, is amended
5 by adding the following new subsection:".

6 2. Page 18, by striking line 5 and inserting in
 7 lieu thereof the words "*shall not exceed the larger*
 8 *of five percent of the assets of the association or*
 9 *such percentage of assets as federally chartered*
 10 *savings and loan associations operating in this state*
 11 *are permitted to invest in service corporations under*
 12 *applicable federal statutes or rules adopted under*
 13 *federal statutes;*".

14 3. Page 40, by inserting after line 14 the
 15 following:

16 "Sec. ____ Chapter 534, Code 1981, is amended
 17 by adding the following new section:

18 **NEW SECTION. LIMITATION ON POWERS.** An association
 19 or other corporation shall not have or exercise any
 20 right, power, authority, privilege, exemption, or
 21 immunity established by any of the provisions of
 22 section 9, subsections 11, 12, 13, and 14, and sections
 23 100, 12, 16, and 22 of this Act, except during those
 24 periods of time, if any, when federally chartered
 25 savings and loan associations operating in this state
 26 have been granted and can exercise a similar right,
 27 power, authority, privilege, exemption, or immunity
 28 under a federal statute or a rule or regulation adopted
 29 and in effect under a federal statute expressly
 30 describing the right, power, authority, privilege,
 31 exemption or immunity, and the immunity established
 32 by any of those Code provisions is subject to all
 33 conditions and limitations imposed upon federally
 34 chartered associations for the type of right, power,
 35 authority, privilege, exemption or immunity granted
 36 by the federal statute or federal rule or regulation.
 37 However, nothing contained in this section shall be
 38 construed as a prohibition or condition of or as a
 39 limitation upon any right, power, authority, privilege,
 40 exemption, or immunity granted to an association or
 41 other corporation by the laws of this state or by
 42 rules adopted thereunder as those laws existed prior
 43 to the effective date of this Act."

44 4. By renumbering sections and correcting internal
 45 references as necessary.

C.W. BILL HUTCHINS
 RICHARD F. DRAKE
 TOM SLATER

S-5544

1 Amend Senate File 2300 as follows:

2 1. Page 23, line 33, by striking the words

3 "funds, and, with" and inserting in lieu thereof the

- 4 word "funds."
 5 2. Page 23, by striking line 4 through page 24,
 6 line 2.
 7 3. Page 24, line 3, by striking the words "savings
 8 accounts."

LUCAS J. DE KOSTER
 JOE BROWN

S-5545

- 1 Amend the House amendment to Senate File 2203 as
 2 passed by the Senate as follows:
 3 1. Page 1, by striking lines 12 through 14.

GARY L. BAUGHER

S-5546

- 1 Amend the amendment, S-5462 to House File 2463
 2 as amended, passed and reprinted by the House, as
 3 follows:
 4 1. Page 18, by inserting after line 7 the
 5 following:
 6 "Sec. ____ *NEW SECTION*. A state agency shall
 7 not adopt or enforce any rules which will cause
 8 interference with the placement of a pit over the
 9 top of a well.
 10 Sec. ____ *NEW SECTION*. A state agency shall not
 11 adopt or enforce any rules regarding augered wells
 12 except rules which require the access level to be
 13 at least one foot above ground level and the earth
 14 around the access be sloped downward away from the
 15 well for drainage.
 16 Sec. ____ *NEW SECTION*. A state agency shall not
 17 adopt or enforce any rules which would prohibit the
 18 use of a windmill and force pump placed within and
 19 over the top of a well."
 20 2. By numbering sections to conform to this
 21 amendment.

JAMES E. BRILES

S-5547

- 1 Amend House File 2463 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 33, by inserting after line 24 the
 4 following:
 5 "Sec. ____ *NEW SECTION*. A state agency shall
 6 not adopt or enforce any rules which will cause

- 7 interference with the placement of a pit over the
 8 top of a well.
 9 Sec. ____ *NEW SECTION*. A state agency shall not
 10 adopt or enforce any rules regarding augered wells
 11 except rules which require the access level to be
 12 at least one foot above ground level and the earth
 13 around the access be sloped downward away from the
 14 well for drainage.
 15 Sec. ____ *NEW SECTION*. A state agency shall not
 16 adopt or enforce any rules which would prohibit the
 17 use of a windmill and force pump placed within and
 18 over the top of a well.”
 19 2. By numbering sections to conform to this
 20 amendment.

JAMES E. BRILES

S-5548

- 1 Amend Senate File 2300 as follows:
 2 1. Page 18, by inserting after line 34 the
 3 following:
 4 “In addition to other applicable restrictions under
 5 this chapter or rules adopted by the supervisor, an
 6 association that operates one or more branch offices
 7 shall not make any commercial or agricultural purpose
 8 loan unless all of its branch offices, whether or
 9 not existing on the effective date of this Act, are
 10 located in places permitted by section 524.1202, and
 11 for this purpose the principal place of business of
 12 the association shall be deemed the principal place
 13 of business of a bank, and each branch office of the
 14 association shall be deemed a bank office.”

MICK LURA
 BERL E. PRIEBE
 RAY TAYLOR
 JOHN W. JENSEN

S-5549

- 1 Amend Senate File 2295 as follows:
 2 1. Page 4, line 7, by striking the words “but
 3 not elsewhere.”.
 4 2. Page 5, by inserting after line 3 the following:
 5 “Sec. ____ *NEW SECTION*. OFF-TRACK PARI-MUTUEL
 6 WAGERING.
 7 1. The commission may license facilities in which
 8 off-track pari-mutuel wagering on horse-race meetings
 9 may be conducted. Subject to this section and any

10 rules adopted by the commissioner, the facilities
11 may conduct wagers on horse-race meetings both within
12 and without the state.

13 2. For horse-race meetings within the state, off-
14 track pari-mutuel wagering shall result in the
15 combination of all off-track wagers with on-track
16 wagers so as to produce common pari-mutuel betting
17 pools for the calculation of odds and the determination
18 of payouts from the pool, which payout shall be the
19 same for all winning tickets, irrespective of whether
20 a wager is placed off-track or on-track.

21 3. Exotic or multiple bets on races run within
22 the state may be approved by the commission without
23 a comparable on-track pool, provided that the
24 corporation or association conducting the races shall
25 have filed with the commission a written consent for
26 the off-track exotic or multiple bets on races held
27 at its track.

28 4. The board may approve separate off-track pools
29 on races run in other states subject to the limitations
30 of this Act.

31 5. The commission shall adopt rules relating to
32 the licensing of the facilities and shall adopt other
33 rules necessary and in the public interest to regulate
34 the operation of the facilities. These rules shall
35 include but are not limited to the following:

36 a. Prohibiting persons under the age of eighteen
37 years from entering off-track facilities.

38 b. Limiting the availability or use of
39 publications, written materials, or communications
40 equipment within the facilities as the board determines
41 to be in the public order.

42 c. Prohibiting the sale of food and beverages
43 in the facilities.

44 d. Providing the method for the results of races
45 to be communicated to the commission and the public."

46 3. Page 6, line 7, by inserting before the word
47 "A" the figure "1."

48 4. Page 6, by inserting after line 15 the
49 following:

50 "2. A tax of four percent is imposed on the gross

Page 2

1 sum wagered by the pari-mutuel method on any race either
2 within or without the state at an off-track wagering
3 facility. The operator of the off-track facility shall
4 pay the imposed tax to the treasurer of state within ten
5 days after the close of the race meeting upon which the

- 6 wager was placed. The treasurer shall deposit the tax
 7 in the general fund of the state."
 8 5. Renumber as necessary.

GARY L. BAUGHER

S-5550

- 1 Amend Senate File 2295 as follows:
 2 1. Page 3, by striking lines 2 through 4 and
 3 inserting in lieu thereof the following: " , shall
 4 specify the day or days when and the exact".
 5 2. Page 3, by inserting after line 6 the following:
 6 "The commission shall forward the information to the
 7 members of the general assembly for the purposes of
 8 final approval of the race track location."

GARY L. BAUGHER

S-5551

- 1 Amend the House amendment S-5503 to Senate File
 2 2245 as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 12.
 4 2. Page 1, by striking lines 18 through 23.

JULIA GENTLEMAN

S-5552

- 1 Amend the House amendment S-5528 to Senate File 276
 2 as passed by the Senate as follows:
 3 1. Page 2, by striking lines 18 through 25.
 4 2. Page 2, by striking lines 42 through 46.

LUCAS J. DE KOSTER
 A.R. BUD KUDART
 BOB RUSH

S-5553

- 1 Amend House File 239 as passed by the House as
 2 follows:
 3 1. Page 3, by striking lines 10 through 16, and
 4 inserting in lieu thereof the following: "[For
 5 issuing a marriage license when a party requests a
 6 name change other than a change of surname to that of
 7 the other spouse or to a hyphenated combination of the
 8 surnames of both spouses, seven dollars and fifty cents.
 9 Two dollars and fifty cents of the seven dollars and
 10 fifty cents shall be paid to the recorder as a

- 11 recording fee for recording the return of marriage.]
12 *The clerk of the district court shall*".

ARTHUR A. SMALL, JR.

HOUSE AMENDMENT TO SENATE FILE 2286

S-5554

- 1 Amend Senate File 2286 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, line 32, by inserting after the word
4 "order." the following: "If the landowner fails to
5 comply with the administrative order, the commissioners
6 may petition the district court foran order compelling
7 compliance with the order. Upon receiving satisfactory
8 proof, the court shall issue an order directing
9 compliance with the administrative order and may
10 modify the administrative order. The provisions of
11 section 467A.50 relating to notice, appeals and
12 contempt of court shall apply to proceedings under
13 this subsection."

HOUSE AMENDMENT TO SENATE FILE 2190

S-5555

- 1 Amend Senate File 2190 as passed by the Senate,
2 as follows:
3 1. Page 1, lines 13 and 14, by striking the word
4 and figure "July 1" and inserting in lieu thereof
5 the word and figure "June 30".

HOUSE AMENDMENT TO SENATE FILE 2212

S-5556

- 1 Amend Senate File 2212, as follows:
2 1. Page 1, by inserting after line 17, the
3 following:
4 *"The deliberate heating ofroad taxable motor fuel*
5 *or special fuel by dealers prior to consumer sale*
6 *is a simple misdemeanor."*
7 2. Title page, by striking lines 1 and 2 and
8 inserting in lieu thereof the following: "An Act
9 relating to fuel sales including the temperature of
10 fuel sold."

HOUSE AMENDMENT TO SENATE FILE 2213

S-5557

- 1 Amend Senate File 2213 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 12, by striking the word "public"
- 4 and inserting in lieu thereof the following: "residents
- 5 and property owners in the proposed district".
- 6 2. Page 1, line 12, by striking the word "shall"
- 7 and inserting in lieu thereof the word "may".
- 8 3. Page 1, by striking lines 16 through 20 and
- 9 inserting in lieu thereof the following: "be drawn
- 10 up by the auditor for an amount approximately fifty-
- 11 five percent of the total indebtedness of the district
- 12 and the board of supervisors must approve by resolution
- 13 the final assessment as made and cause bonds to be
- 14 issued at approximately ten percent greater than the
- 15 total indebtedness of the district in accordance with
- 16 sections 357.20 and 357.21 except that the bonds shall
- 17 be paid, approximately equally, from user charges
- 18 and the assessment. In the case of".

HOUSE AMENDMENT TO SENATE FILE 256

S-5558

- 1 Amend Senate File 256 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "board" the words "*or by a majority vote of members*
- 5 *voting by mailed ballot according to procedures*
- 6 *specified by rule of the administrator requiring at*
- 7 *least twenty days notice to all members, mailed ballots*
- 8 *ensuring the confidentiality of voters, announcement*
- 9 *to members of the results of the vote, and preservation*
- 10 *of the ballots for a reasonable period of time".*
- 11 2. Page 2, by striking lines 18 through 35.
- 12 3. Amend the title, by striking lines 3 and 4
- 13 and inserting in lieu thereof the words "be loaned
- 14 to a member, merger, and".
- 15 4. By renumbering sections.

S-5559

- 1 Amend House File 2426 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 26, by inserting after the words
- 4 "commenced by" the words "the county attorney or".

- 5 2. Page 6, by striking line 21 and inserting in
6 lieu thereof the words "the applicant. If the county
7 attorney is the applicant, the county attorney shall
8 present the evidence in support of the application.
9 During the hearing the applicant and".
10 3. Page 6, line 34, by striking the words "county
11 attorney" and inserting in lieu thereof the word
12 "applicant".

DICK RAMSEY

S-5560

- 1 Amend House File 2460 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, by striking line 34 through page 4,
4 line 8.
5 2. By numbering and renumbering as necessary.

JOHN S. MURRAY

S-5561

- 1 Amend House File 2369 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 2, line 21, by inserting after the word
4 "FOR" the words "EVALUATION AND".
5 2. Page 3, line 14, by inserting after the words
6 "for the" the words "evaluation and".
7 3. Page 5, line 12, by inserting after the word
8 "seek" the word "evaluation".
9 4. Page 5, line 31, by inserting after the word
10 "complete" the word "evaluation".
11 5. Page 6, line 7, by inserting after the words
12 "course or" the word "evaluation".
13 6. Page 8, line 9, by inserting after the word
14 "vehicle," the words "or when the person's use of
15 a motor vehicle is necessary to attend evaluation,
16 treatment or educational services for alcohol or drug
17 dependency,".

LUCAS J. DE KOSTER

S-5562

- 1 Amend the House amendment S-5420 to Senate File
2 2216 as passed by the Senate as follows:
3 1. Page 1, line 7, by striking the word "GOVERNOR'S"
4 and inserting in lieu thereof the word "IOWA".
5 2. Page 1, line 8, by striking the word "governor's"
6 and inserting in lieu thereof the word "Iowa".

- 7 3. Page 1, line 27, by striking the word "governor's"
 8 and inserting in lieu thereof the word "Iowa".
 9 4. Page 1, line 29, by striking the word "governor's"
 10 and inserting in lieu thereof the word "Iowa".
 11 5. Page 1, line 35, by striking the word "governor's"
 12 and inserting in lieu thereof the word "Iowa".
 13 6. Page 1, line 38, by striking the word "governor's"
 14 and inserting in lieu thereof the word "Iowa".

FORREST V. SCHWENGELS
 JAMES V. GALLAGHER

HOUSE AMENDMENT TO SENATE FILE 2215

S-5563

- 1 Amend Senate File 2215 as passed by the Senate,
 2 as follows:
 3 1. Page 1, by striking lines 19 through 23 and
 4 inserting in lieu thereof the following: "bargaining
 5 agreement negotiated under chapter 20. *An employee*
 6 *of the department of public safety or the state*
 7 *conservation commission who has earned benefits of*
 8 *payment of premiums under a collective bargaining*
 9 *agreement and who becomes a manager or supervisor*
 10 *and is no longer covered by the agreement shall not*
 11 *lose the benefits of payment of premium earned while*
 12 *covered by the agreement. The payment shall".*
 13 2. Page 2, by inserting after line 4 the following:
 14 "Sec. 2. An employee of the department of public
 15 safety or the state conservation commission who retires
 16 during the year beginning on the effective date of
 17 this Act shall be eligible for payment of life or
 18 health insurance premiums as provided for in the
 19 collective bargaining agreement covering the public
 20 safety bargaining unit if that employee previously
 21 served in a position which would have been covered
 22 by that agreement. The employee shall be given credit
 23 for the service in that prior position as though it
 24 was covered by the agreement."

S-5564

- 1 Amend the House amendment S-5504 to Senate File 2203,
 2 as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 15 through 19, and
 4 inserting in lieu thereof the following:
 5 3. Page 2, by striking lines 8 through 11, and
 6 inserting in lieu thereof the words "takes effect from
 7 and after its publication in The Altoona Herald-

8 Mitchellville Index, a newspaper published in
 9 Altoona, Iowa, and in The Advocate-Enterprise-Index-
 10 Reporter, a newspaper published in Rockwell City, Iowa."'''

EMIL J. HUSAK

S-5565

1 Amend House File 2460 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Title, page 1, line 7, by inserting after the
 4 word "release," the words "to require a written
 5 record of any oral complaint received,".
 6 2. Title, page 1, line 10, by inserting after the
 7 word "records," the words "to provide a penalty for
 8 false reports of child abuse,".
 9 3. Title, page 1, lines 16 and 17, by striking the
 10 words "to require delinquency adjudicatory hearings
 11 to be held within sixty days,".
 12 4. Title, page 2, line 1, by inserting after the
 13 word "assistance," the words "to provide disclosure
 14 of certain information to the victim of the
 15 delinquent act,".

JOHN S. MURRAY
 JULIA GENTLEMAN

HOUSE AMENDMENT TO SENATE FILE 268

S-5566

1 Amend Senate File 268 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. Sections 2 through 8 of this Act are
 6 enacted as a new chapter of the Code.
 7 Sec. 2. *NEW SECTION. CONDUCT REVIEW.* A conduct
 8 review committee or an independent hearing officer
 9 shall be established at each institution under the
 10 department of social services, division of adult
 11 corrections. Each committee established shall consist
 12 of three members who shall be appointed by the director
 13 of the division of adult corrections. Each independent
 14 hearing officer shall be appointed by the director
 15 of the division of adult corrections. The committees
 16 or hearing officers, or both, shall review the conduct
 17 of inmates in the custody of their respective
 18 institutions, as provided in section 4 of this Act.
 19 Sec. 3. *NEW SECTION. GOOD CONDUCT TIME.* Each

20 inmate of an institution under the department of
21 social services, division of adult corrections, shall
22 be given a reduction of sentence pursuant to the rules
23 of the department which reduction shall not be more
24 than one day for each day of good conduct of the
25 inmate while committed to one of the division's
26 institutions. However, the accumulation of good
27 conduct time is subject to the maximum limits which
28 may be earned and applied to the reduction of an
29 offender's sentence pursuant to the rules promulgated
30 under section 906.3, unnumbered paragraph 2. If the
31 rules of the department reduce the amount of sentence
32 reduction that may be earned for each day of good
33 conduct, the amount of sentence reduction already
34 earned by an inmate shall not be reduced retroactively,
35 although it may be reduced prospectively and may be
36 subject to forfeiture pursuant to section 4 of this
37 Act. Computation of good conduct time is subject
38 to the following conditions:

- 39 1. Time served in jail or other facility, credited
40 by the clerk of court prior to actual placement in
41 a correctional institution, shall accrue for purposes
42 of reduction of sentence under this section.
- 43 2. Time spent during escape shall be forfeited
44 for purposes of reduction of sentence under this
45 section. An inmate who intentionally escapes may
46 forfeit all good conduct time accrued and not forfeited
47 prior to the escape, unless the inmate voluntarily
48 surrenders.
- 49 3. Time between parole violation or violation
50 of supervised release as defined in section 29 of .

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- 1 this Act, and incarceration shall be forfeited for
2 purposes of reduction of sentence under this section.
- 3 4. Time spent during parole or supervised release
4 as defined by section 29 of this Act, shall not accrue
5 for purposes of reduction of sentence under this
6 section.
- 7 5. Good conduct time shall not accrue to an inmate
8 while serving a life sentence. However, good conduct
9 time shall accrue after an inmate's life sentence
10 is commuted and shall be computed as of the date of
11 commutation, not the date of commitment to the custody
12 of the director.
- 13 6. Except in life sentences, good conduct time
14 shall be credited to the maximum sentence on a periodic
15 basis.

16 Sec. 4. *NEW SECTION.* LOSS OR FORFEITURE OF GOOD
17 CONDUCT TIME.

18 1. Upon finding that an inmate has violated an
19 institutional rule, the conduct review committee or
20 the independent hearing officer may order forfeiture
21 of any or all good conduct time earned and not
22 forfeited up to the date of the infraction by the
23 inmate. The conduct review committee or independent
24 hearing officer shall have discretion within the
25 guidelines established pursuant to section 5 of this
26 Act, to determine the amount of time that should be
27 forfeited based upon the severity of the infraction.
28 Prior infractions by the inmate may be considered
29 by the committee or hearing officer in the decision.

30 2. Forfeiture of good conduct time pursuant to
31 this section shall increase by the amount of the
32 forfeiture, the mandatory minimum term of incarceration
33 as defined by section 28, subsection 1 of this Act,
34 the time served before the inmate is to be interviewed
35 for parole pursuant to section 906.5, and the time
36 served before the inmate is eligible for release
37 because of the accrual of good conduct time.

38 3. The orders of the committee or hearing officer
39 are subject to appeal to the superintendent or warden
40 of the institution who may either affirm, modify,
41 remand for correction of procedural errors, or reverse
42 the order, provided however that in no instance shall
43 any sanctions be increased on appeal. A decision
44 of the superintendent or warden is subject to review
45 by the director of the division of adult corrections
46 who may either affirm, modify, remand for correction
47 of procedural errors, or reverse the decision, provided
48 however that in no instance shall any sanction be
49 increased.

50 4. The director of the division of adult

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1 corrections may restore all or any portion of
2 previously forfeited good conduct time and may readjust
3 the mandatory term of incarceration as defined by
4 section 29, subsection 1 of this Act, the time served
5 before the inmate is interviewed for parole pursuant
6 to section 906.5, and the time served before the
7 inmate is eligible for release because of the accrual
8 of good conduct time, by the amount of the restored
9 good conduct time. Good conduct time forfeited may
10 be restored by the director for acts of heroism or
11 for other extraordinarily meritorious actions. The

12 director shall establish by rule the requirements
13 as to which activities may warrant the restoration
14 of good conduct time and the amount of good conduct
15 time to be restored.

16 5. The inmate disciplinary procedure including
17 but not limited to the method of forfeiting time
18 pursuant to this chapter, is not a contested case
19 subject to chapter 17A.

20 Sec. 5. *NEW SECTION. POLICIES AND PROCEDURES.*

21 The director of the division of adult corrections,
22 department of social services, shall develop policy
23 and procedural rules to implement sections 2 through
24 4 of this Act. The director shall establish rules
25 specifying as to what constitutes a day of good conduct
26 which rules may require the inmate's employment in
27 the institution, in Iowa state industries, in an
28 inmate employment program established by director,
29 or may require the inmate to participate in an
30 educational program approved by the director, when
31 such employment or programs are available; specifying
32 disciplinary offenses which may result in the loss
33 of good conduct time; and specifying the amount of
34 good conduct time which may be lost as a result of
35 each disciplinary offense.

36 Sec. 6. *NEW SECTION. TIME TO BE SERVED--CREDIT.*

37 An inmate shall not be discharged from the custody
38 of the director of the division of adult corrections
39 until the inmate has served the full term for which
40 the inmate was sentenced, less good conduct time
41 earned and not forfeited, unless the inmate is pardoned
42 or otherwise legally released. Good conduct time
43 earned and not forfeited shall not apply to reduce
44 a mandatory minimum term of incarceration being served
45 pursuant to the rules promulgated by the board of
46 parole under section 906.3, unnumbered paragraph 2.
47 The inmate shall be deemed to be serving the sentence
48 from the day on which the inmate is received into
49 the institution. However, if an inmate was confined
50 to a county jail or other correctional or mental

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1 facility at any time prior to sentencing, or after
2 sentencing but prior to the case having been decided
3 on appeal, because of failure to furnish bail or
4 because of being charged with a nonbailable offense,
5 the inmate shall be given credit for the days already
6 served upon the term of the sentence. The clerk of
7 the district court of the county from which the inmate

8 was sentenced, shall certify to the warden the number
9 of days so served.

10 An inmate shall not receive credit upon the inmate's
11 sentence for time:

12 a. Spent in custody in another state resisting
13 return to Iowa following an escape; or

14 b. Served in an institution or jail of another
15 jurisdiction during any period of time the person
16 is receiving credit upon a sentence of that other
17 jurisdiction.

18 Sec. 7. *NEW SECTION. GOOD AND HONOR TIME*
19 *APPLICATION.* Sections 246.38, 246.39, 246.41, 246.42,
20 246.43, and 246.45 as the sections appear in the 1981
21 Code, remain in effect for those inmates sentenced
22 for offenses committed prior to July 1, 1982.

23 Sec. 8. *NEW SECTION. SEPARATE SENTENCES.* When
24 an inmate is committed under several convictions with
25 consecutive sentences, they shall be construed as
26 one continuous sentence in the granting or forfeiting
27 of good conduct time.

28 Sec. 9. *NEW SECTION. COMMISSION ESTABLISHED.*

29 A commission of eleven members to be known as the
30 sentencing evaluation commission is established.

31 Members of the commission shall include the following:

32 1. The chief justice of the supreme court or the
33 chief justice's designee.

34 2. Two district court judges appointed by the
35 majority vote of the state judicial council.

36 3. One public defender appointed by the governor.

37 4. One county attorney appointed by the governor.

38 5. The director of the division of adult
39 corrections of the department of social services or
40 the director's designee.

41 6. One representative of community corrections
42 appointed by the governor.

43 7. One practicing criminal trial defense attorney
44 appointed by the governor.

45 8. The attorney general of the state or the
46 attorney general's designee.

47 9. Two public members appointed by the governor.

48 In addition to the eleven members of the commission,
49 there shall be two legislative members, one from each
50 house and each from a different political party,

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1 appointed by the majority vote of the legislative
2 council, who shall serve as nonvoting members of the
3 commission.

4 **Sec. 10. NEW SECTION. LENGTH OF APPOINTMENT.**

5 Each voting member of the commission shall be appointed
6 for four years. Each nonvoting member of the
7 commission shall be appointed for two years. Each
8 member shall continue to serve during that time as
9 long as the member occupies the position which made
10 the member eligible for the appointment. Each member
11 shall continue in office until a successor is
12 appointed. Members are eligible for reappointment,
13 and appointment may be made to fill an unexpired term.

14 **Sec. 11. NEW SECTION. OFFICERS—MEETINGS.** The
15 commission shall elect a chairperson and other officers
16 it deems necessary from among its membership. It
17 shall meet on the call of the chairperson or a majority
18 of the members.

19 **Sec. 12. NEW SECTION. DUTIES.**

20 1. The commission shall study the impact of
21 sentencing laws and practices including but not limited
22 to noninstitutional sanctions as fines, restitution,
23 work release, community-based correctional programs,
24 probation, deferred judgment, deferred sentence and
25 suspended sentences. The commission may also study
26 the impact of rules promulgated by the parole board
27 pursuant to section 906.3, unnumbered paragraph 2.

28 2. The commission may make recommendations to
29 the general assembly at the beginning of each session
30 and to the governor and the board of parole, regarding
31 changes in the laws of sentencing, the criminal code,
32 criminal procedures, the rules promulgated by the
33 board of parole pursuant to section 906.3, unnumbered
34 paragraph 2, and regarding other aspects of sentencing.

35 3. The commission shall make recommendations to
36 the supreme court as to possible rules of sentencing
37 prescribed by the court pursuant to section 23 of
38 this Act.

39 **Sec. 13. NEW SECTION. EXPENSES.** Members of the
40 commission shall receive actual and reasonable
41 expenses, including travel at the state rate set forth
42 in section 18.117. In addition to the reimbursement
43 for expenses as provided for in this section, members
44 of the commission who are not officers or employees
45 of state or local government, shall receive a per
46 diem of forty dollars for each day in which they are
47 engaged in the performance of the duties of the
48 commission. The office of the supreme court
49 administrator and the office for planning and
50 programming shall provide necessary staff assistance

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1 to the commission in the performance of its duties.

2 Sec. 14. Section 204.406, Code 1981, is amended
3 to read as follows:

4 204.406 DISTRIBUTION TO PERSON UNDER AGE EIGHTEEN.

5 Any person who is eighteen years of age or over who
6 violates section 204.401, subsection 1, by distributing
7 a substance listed in schedule I or II, which is a
8 narcotic drug, to a person under eighteen years of
9 age, shall be guilty of a class "B" felony[, however
10 the minimum time to be served before parole may be
11 granted shall be five years]. Any person who is
12 eighteen years of age or over who violates section
13 204.401, subsection 1, by distributing any other
14 controlled substance listed in schedules I, II or
15 III to a person under eighteen years of age who is
16 at least three years his or her junior shall be guilty
17 of a class "C" felony. Any person who is eighteen
18 years of age or over who violates section 204.401,
19 subsection 1 by distributing any controlled substance
20 listed in schedules IV and V to a person under eighteen
21 years of age who is at least three years his or her
22 junior shall be guilty of an aggravated misdemeanor.

23 Sec. 15. Section 204.411, subsection 1, Code 1981,
24 is amended to read as follows:

25 1. Any person convicted of [a second or subsequent]
26 an offense under this chapter, may be punished by
27 imprisonment [for a period not to exceed three times
28 the term otherwise authorized] *as provided for by the*
29 *Code*, or fined not more than three times the amount
30 otherwise authorized, or punished by both such
31 imprisonment and fine.

32 Sec. 16. Section 218.40, Code 1981, is amended
33 to read as follows:

34 218.40 SERVICES REQUIRED. Inmates of said
35 institutions subject to the provisions hereinafter
36 provided, may be required to render any proper and
37 reasonable service *including hard labor*, either in
38 the institutions proper or in the industries
39 established in connection therewith.

40 Sec. 17. Section 232.55, subsection 2, Code 1981,
41 is amended to read as follows:

42 2. The adjudication and disposition of a child
43 and evidence given in a proceeding under this division
44 shall not be admissible as evidence against the child
45 in any subsequent proceeding in any other court before
46 or after reaching majority except in a sentencing
47 proceeding after conviction of a felony *or aggravated*
48 *misdemeanor*, and a *presentence investigation for these*
49 *offenses may include information as to the adjudication*
50 *and disposition as evidenced by a proceeding under*

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1 *this division.*

2 Sec. 18. Section 245.3, Code 1981, is amended
3 to read as follows:

4 245.3 SERVICE REQUIRED. The superintendent may,
5 with the approval of the state director, require any
6 inmate to perform any service *including hard labor*,
7 suited to her strength and attainments and which may
8 be needed for the benefit of the reformatory or for
9 the welfare of [such] *the* inmate.

10 Sec. 19. Section 245.20, Code 1981, is amended
11 to read as follows:

12 245.20 FEDERAL PRISONERS. Inmates sentenced for
13 any term by any court of the United States may be
14 received [by the superintendent into the women's
15 reformatory] *for the custody of the director* and [there]
16 kept in pursuant of their sentences. Inmates [at the
17 women's reformatory] *committed to the custody of the*
18 *director* may also be transferred to the federal bureau
19 of prisons. [If an inmate objects to her transfer
20 to the federal bureau of prisons, the inmate shall
21 be afforded a hearing as provided in section 217.22.]

22 Sec. 20. Section 246.11, Code 1981, is amended
23 to read as follows:

24 246.11 FEDERAL PRISONERS. Inmates sentenced for
25 any term by any court of the United States may be
26 received [by the warden into the penitentiary or the
27 men's reformatory] *for the custody of the director*
28 and [there] kept in pursuance of their sentences.
29 Inmates [at either the penitentiary or men's reformatory]
30 *committed to the custody of the director* may also
31 be transferred to the federal bureau of prisons.
32 [If an inmate objects to his transfer to the federal
33 bureau of prisons, the inmate shall be afforded a
34 hearing as provided in section 217.22.]

35 Sec. 21. Section 246.31, Code 1981, is amended
36 to read as follows:

37 246.31 HARD LABOR AND SOLITARY IMPRISONMENT.
38 All commitments to either of said institutions [must
39 be] *are* at hard labor. Solitary imprisonment of
40 prisoners shall not be employed except for the purpose
41 of discipline. *An inmate may be required to perform*
42 *any service including hard labor, suited to his*
43 *strength and attainment and which may be needed for*
44 *the benefit of the reformatory or penitentiary or*
45 *for the welfare of the inmate.*

46 Sec. 22. Section 663A.2, Code 1981, is amended
47 by adding the following new subsection following
48 subsection 5 and renumbering the remaining subsection:
49 **NEW SUBSECTION. 6.** The person's reduction of

50 sentence pursuant to sections 2 through 8 of this

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1 Act has been unlawfully forfeited and the person has
2 exhausted the appeal procedure of section 4, subsection
3 3 of this Act; or

4 Sec. 23. Chapter 684, Code 1981, is amended by
5 adding the following new section:

6 **NEW SECTION. RULES OF SENTENCING.**

7 1. The supreme court shall have the power to
8 prescribe advisory rules to the district court which
9 establish:

10 a. The circumstances under which imprisonment
11 of an offender is proper.

12 b. Appropriate sanctions for offenders for whom
13 imprisonment is not proper, including but not limited
14 to noninstitutional sanctions as fines, restitution,
15 work release, community-based correctional programs,
16 probation, deferred judgment, deferred sentence, and
17 suspended sentence.

18 2. In establishing the rules of sentencing, the
19 court may take into consideration current sentencing
20 and release practices and correctional resources,
21 including but not limited to the capacities of local
22 and state correctional facilities.

23 Sec. 24. Chapter 901, Code 1981, is amended by
24 adding the following new section:

25 **NEW SECTION. INFORMATION FOR PAROLE BOARD.** At
26 the time of committing a defendant to the custody
27 of the director of the division of adult corrections
28 for incarceration, the trial judge and prosecuting
29 attorney shall, and the defense attorney may, furnish
30 the board of parole with a full statement of their
31 recommendations relating to release or parole.

32 Sec. 25. **NEW SECTION. MANDATORY SUPERVISED**
33 **RELEASE.**

34 1. An offender who is released on parole or who
35 is released prior to the expiration of sentence as
36 defined by subsection 4, because of the accrual of
37 good conduct time, shall be subject to supervision
38 by the department of social services for a term to
39 be determined by the board of parole subject to
40 subsection 2.

41 2. However, the period of incarceration together
42 with the period of supervised release pursuant to
43 subsection 1, shall not exceed the limits for the
44 respective offense fixed by section 902.9 or section
45 903.1.

46 3. If an offender violates the conditions of
47 supervised release and the supervised release is
48 revoked pursuant to chapter 908, the offender shall
49 be returned to the custody of the director to serve
50 the remaining unexpired portion of the offender's

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1 sentence or until released by the board of parole.

2 4. "Sentence" means the maximum period of
3 incarceration to which the offender has been sentenced
4 pursuant to section 901.8, 902.9, 903.1, subsection
5 1, or the applicable sentencing law, for the offense
6 for which the offender has been convicted.

7 Sec. 26. Section 901.5, subsection 2, Code 1981,
8 is amended by striking the subsection.

9 Sec. 27. Section 902.4, Code 1981, is amended
10 to read as follows:

11 902.4 RECONSIDERATION OF FELON'S SENTENCE. For
12 a period [of ninety] *not less than thirty days nor more*
13 *than one hundred eighty days* from the date when a
14 person convicted of a felony, other than a class "A"
15 felony [or a felony for which a minimum sentence of
16 confinement is imposed], begins to serve a sentence
17 of confinement, the court, on its own motion or on
18 the recommendation of the commissioner of social
19 services, may order the person to be returned to the
20 court, at which time the court may review its previous
21 action and reaffirm it or substitute for it any
22 sentence permitted by law. The court's final order
23 in any such proceeding shall be delivered to the
24 defendant personally or by certified mail. Such
25 action is discretionary with the court, and its
26 decision to take such action or not to take such
27 action is not subject to appeal. The provisions of
28 this section notwithstanding, for the purposes of
29 appeal, a judgment of conviction of a felony is a
30 final judgment when pronounced.

31 Sec. 28. Section 902.9, subsection 2, Code 1981,
32 is amended by striking the subsection.

33 Sec. 29. Chapter 906, Code 1981, is amended by
34 adding the following new section:

35 **NEW SECTION. DEFINITIONS.** As used in this chap-
36 ter:

37 1. "Mandatory minimum term of incarceration" means
38 the shortest possible time of incarceration which
39 an offender shall serve prior to eligibility for
40 release on parole.

41 2. "Supervised release" means the release of an

42 offender after the expiration of the term of
43 incarceration but prior to the expiration of the
44 offender's sentence as defined by section 25,
45 subsection 4 of this Act.

46 Sec. 30. Section 906.1, Code 1981, is amended
47 to read as follows:

48 906.1 DEFINITION OF PAROLE. Parole is the release
49 *by the board of parole, prior to the expiration of*
50 *the sentence as defined by section 25, subsection*

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1 *4 of this Act, of a person who has been committed*
2 *to the custody of the [commissioner] director of [social*
3 *services] the division of adult corrections, by reason*
4 *of the person's commission of a public offense [prior*
5 *to the expiration of the person's term], subject to*
6 *supervision by the department of social services and*
7 *[on] to conditions imposed by [the department] the board*
8 *of parole pursuant to section 906.3.*

9 Sec. 31. Section 906.3, Code 1981, is amended
10 to read as follows:

11 906.3 AUTHORITY OF PAROLE BOARD. The board of
12 parole shall promulgate [regulations] *rules* regarding
13 a system of paroles *and supervised release*, from
14 correctional institutions, and shall direct, control,
15 and supervise the administration of such system of
16 paroles *and supervised release*. The board shall
17 determine which of those persons who have been
18 committed to the custody of the director of the
19 division of adult corrections, by reason of their
20 conviction of a public offense, shall be released
21 on parole. The grant or denial of parole shall not
22 be deemed a contested case as defined in section
23 17A.2.

24 The board of parole shall promulgate rules pursuant
25 to chapter 17A of the Code, as to the timing and
26 frequency of parole interviews and paroles, as to
27 the shortest possible time of incarceration which
28 an offender shall serve prior to eligibility for
29 release on parole or by the accrual of good conduct
30 time, and rules as to the length and conditions of
31 paroles and supervised releases. These rules shall
32 take into consideration the offender's past conviction
33 record including the number of prior forcible felonies,
34 nonforcible felonies, and aggravated misdemeanors,
35 the length of time since conviction for the prior
36 offenses, use of a dangerous weapon as defined by
37 section 702.7 in the commission of the offense and

38 other relevant factors.

39 Sec. 32. Section 906.5, Code 1981, is amended
40 to read as follows:

41 906.5 RECORD REVIEWED-ELIGIBILITY [OF PRIOR
42 FORCIBLE FELON FOR PAROLE]-RULES.

43 1. Within one year after the commitment of any
44 person [other than a class "A" felon] to the custody
45 of the director of the division of adult corrections,
46 [a member of] the board [shall] *may* interview the person.
47 [Thereafter, at regular intervals, not to exceed one
48 year, the] *The* board shall interview the person and
49 *shall* consider [his or her] *the person's* prospects for
50 parole *if the person served at least one-third of*

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1 *the person's sentence as defined by section 25,*
2 *subsection 4 of this Act unless the person is serving*
3 *a mandatory minimum term of incarceration pursuant*
4 *to the rules of the board. At [such time] the interview,*
5 *the board shall consider all pertinent information*
6 *regarding this person, including the circumstances*
7 *of the person's offense, any presentence report which*
8 *may be available, the previous social history and*
9 *criminal record of such person, the person's conduct,*
10 *employment and attitude in prison, and the reports*
11 *of such physical and mental examinations as have been*
12 *made.*

13 [If the person who is under consideration for parole
14 is serving a sentence for conviction of a felony and
15 has a criminal record of one or more prior convictions
16 for a forcible felony or a crime of a similar gravity
17 in this or any other state, parole shall be denied
18 unless the defendant has served at least one-half
19 of the maximum term of his or her sentence.]

20 2. *Notwithstanding subsection 1, forfeiture of*
21 *good conduct time may increase the time served before*
22 *an inmate is eligible for an interview or parole by*
23 *the board.*

24 3. Every person while on parole or on supervised
25 release shall be under the supervision of the
26 department of social services, which shall prescribe
27 [regulations] *rules* for governing [persons on parole]
28 *those persons.* The board may adopt other rules not
29 inconsistent with [the above] *the Code* as it may deem
30 proper or necessary for the performance of its
31 functions. *As provided in section 3 of this Act,*
32 *good conduct time shall not accrue to an inmate who*
33 *is on parole or supervised release.*

34 Sec. 33. Section 906.11, Code 1981, is amended
35 to read as follows:

36 906.11 ASSIGNMENT TO PAROLE OFFICER. A person
37 released on parole *or placed on supervised release*
38 *pursuant to section 25 of this Act*, shall be assigned
39 to a parole officer by the chief parole officer.
40 Both the person and his or her parole officer shall
41 be furnished *in writing* with the conditions of [his
42 or her] parole *or supervised release* and the [regulations]
43 *rules* which the person will be required to observe[,
44 in writing]. The parole officer shall explain these
45 conditions and [regulations] *rules* to the person, and
46 supervise, assist, and counsel the person during the
47 term of his or her parole *or supervised release*.

48 Sec. 34. Section 906.12, Code 1981, is amended
49 to read as follows:

50 906.12 PAROLE OR SUPERVISED RELEASE OUTSIDE STATE

Page 12

1 AUTHORIZED. The parole *or supervised release* may
2 be to a place outside the state when the board of
3 parole shall determine it to be to the best interest
4 of the state and the prisoner, under such rules as
5 the board of parole may impose.

6 Sec. 35. Section 906.13, Code 1981, is amended
7 to read as follows:

8 906.13 RECIPROCAL AGREEMENTS WITH OTHER STATES.

9 The governor of the state of Iowa is [hereby] authorized
10 and empowered to enter into compacts and agreements
11 with other states, through their duly constituted
12 authorities, in reference to reciprocal supervision
13 of persons on parole, *supervised release*, or probation
14 and for the reciprocal return of such persons to the
15 contracting states for violation of the terms of their
16 parole, *supervised release*, or probation.

17 Sec. 36. Section 906.15, Code 1981, is amended
18 to read as follows:

19 906.15 DISCHARGE FROM PAROLE OR SUPERVISED RELEASE.

20 Unless sooner discharged, a person released on parole
21 *or supervised release* shall be discharged when his
22 or her *respective* term of parole *or supervised release*
23 equals the period of imprisonment specified in the
24 person's sentence, less all time served in confinement.
25 Discharge from parole may be granted prior to such
26 time, when an early discharge is appropriate. The
27 board shall periodically review all paroles, and when
28 it shall determine that any person on parole is able
29 and willing to fulfill the obligations of a law-abiding

30 citizen without further supervision, it shall discharge
 31 the person from parole. In either event, discharge
 32 from parole shall terminate the person's sentence.
 33 *However, the provisions of this section concerning*
 34 *discharge and early discharge are subject to the term*
 35 *of mandatory supervised release as provided in section*
 36 *25 of this Act.*

37 *Sec. 37. Section 906.16, unnumbered paragraph*
 38 *1, Code 1981, is amended to read as follows:*

39 *The time when a prisoner is on parole or supervised*
 40 *release from the institution shall be held to apply*
 41 *upon the sentence against the [parolee] prisoner even*
 42 *if the parole or supervised release is subsequently*
 43 *revoked, except that the time when the [parolee] prisoner*
 44 *is in violation of the terms of the parole agreement*
 45 *or conditions of supervised release, shall not apply*
 46 *upon the sentence.*

47 *Sec. 38. Section 906.17, Code 1981, is amended*
 48 *to read as follows:*

49 **906.17 ALLEGED PAROLE OR SUPERVISED RELEASE**
 50 **VIOLATORS--REIMBURSEMENT TO COUNTIES FOR TEMPORARY**

Page 13

1 **CONFINEMENT.** The division of adult corrections shall
 2 reimburse a county for the temporary confinement of
 3 alleged parole violators and offenders who are alleged
 4 to be in violation of supervised release. The amount
 5 to be reimbursed shall be determined by multiplying
 6 the number of days so confined by the average daily
 7 cost of confining a person in the county facility
 8 as negotiated by the department. Payment shall be
 9 made upon submission of a voucher executed by the
 10 sheriff and approved by the director of the division
 11 of adult corrections. The money shall be deposited
 12 in the county general fund to be credited to the jail
 13 account.

14 *Sec. 39. Chapter 908, Code 1981, is amended by*
 15 *adding the following new section:*

16 **NEW SECTION. SUPERVISED RELEASE.** As used in this
 17 chapter "supervised release" means supervised release
 18 as defined by section 11, subsection 11 of this Act.

19 *Sec. 40. Section 908.1, Code 1981, is amended*
 20 *to read as follows:*

21 **908.1 ARREST OF ALLEGED PAROLE VIOLATOR.** A parole
 22 officer having probable cause to believe that any
 23 person released on parole or supervised release has
 24 violated the conditions of his or her parole or
 25 supervised release, may arrest such person, or the

26 parole officer may make a complaint before a
27 magistrate, charging such violation[, and if *If it*
28 appears from such complaint, or from affidavits filed
29 with it, that there is probable cause to believe that
30 such person has violated the terms of his or her
31 parole *or supervised release*, the magistrate shall
32 issue a warrant for the arrest of such person.

33 Sec. 41. Section 908.2, Code 1981, is amended
34 to read as follows:

35 908.2 INITIAL APPEARANCE. An officer making an
36 arrest of an alleged parole violator *or alleged*
37 *violinator of supervised release*, shall take the arrested
38 person before a magistrate without unnecessary delay
39 for an initial appearance. At that time the alleged
40 parole violator *or alleged violinator of supervised*
41 *release*, shall be furnished with a written notice
42 of the claimed violation, shall be advised of his
43 or her right to appointed counsel under rule 26 of
44 the rules of criminal procedure, and shall be given
45 notice that a hearing will take place and that its
46 purpose is to determine whether there is probable
47 cause to believe that he or she has committed a parole
48 violation *or violation of supervised release*.

49 The magistrate may order the alleged parole violator
50 *or alleged violinator of supervised release* confined

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1 in the county jail or may order the alleged [parole]
2 violator released on bail under such terms and
3 conditions as the magistrate may require. Admittance
4 to bail is discretionary with the magistrate and is
5 not a matter of right.

6 Sec. 42. Section 908.3, Code 1981, is amended
7 to read as follows:

8 908.3 PLACE OF PROBABLE CAUSE HEARING. The
9 probable cause hearing shall be held in the same
10 county as the alleged parole violator *or alleged*
11 *violinator of supervised release* had his or her initial
12 appearance.

13 Sec. 43. Section 908.4, Code 1981, is amended
14 to read as follows:

15 908.4 PROBABLE CAUSE HEARING. At the probable
16 cause hearing, a liaison officer appointed pursuant
17 to section 904.5 and who is an attorney shall determine
18 whether there is probable cause to believe that the
19 alleged parole violator has violated parole *or that*
20 *the alleged violinator of supervised release has violated*
21 *supervised release*. The alleged [parole] violator shall

22 be informed of the inculpatory evidence. The alleged
23 [parole] violator shall be given an opportunity to be
24 heard in person and to present witnesses and other
25 evidence. The alleged [parole] violator shall have
26 the right to confront and cross-examine adverse
27 witnesses, except where the liaison officer finds
28 that a witness would be subjected to risk or harm
29 if the witness' identity were disclosed.

30 Sec. 44. Section 908.5, Code 1981, is amended
31 to read as follows:

32 908.5 WAIVER OF PROBABLE CAUSE HEARING. The
33 alleged parole violator *or alleged violator of*
34 *supervised release* may waive the probable cause
35 hearing, in which event the liaison officer shall
36 proceed as upon a finding of probable cause. Before
37 accepting a waiver of hearing, the liaison officer
38 shall inform the alleged violator of the charge, of
39 the alleged violator's right to a hearing to determine
40 whether there is probable cause to believe that parole
41 *or supervised release* has been violated, and that
42 if the hearing is waived, the alleged violator will
43 be committed to the custody of the department of
44 social services without further proceedings, to await
45 the determination of the parole board. The liaison
46 officer shall make a verbatim record of the proceedings
47 in which the hearing is waived.

48 Sec. 45. Section 908.6, Code 1981, is amended
49 to read as follows:

50 908.6 DISPOSITION BY LIAISON OFFICER. If it

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1 appears from the evidence that there is no probable
2 cause to believe that the arrested person has violated
3 the conditions of parole *or supervised release*, the
4 liaison officer shall order the arrested person to
5 be released from custody and continued on parole *or*
6 *supervised release*. If it appears that there is
7 probable cause to believe that the arrested person
8 has violated the conditions of parole *or supervised*
9 *release*, the liaison officer shall commit the arrested
10 person to the custody of the department of social
11 services, and the procedure prescribed in section
12 901.7 shall apply to such commitment; or the liaison
13 officer may recommend that the arrested person be
14 admitted to bail as provided in section 908.2. The
15 liaison officer shall make a summary of the testimony
16 and other evidence considered and a statement of the
17 facts relied on as a basis for the finding of probable

18 cause or no probable cause, and shall without delay
19 forward them together with all documents relating
20 to the matter to the executive secretary of the parole
21 board. If the alleged [parole] violator has waived
22 the probable cause hearing, the verbatim record of
23 that proceeding shall be forwarded in lieu of the
24 summary of evidence and statement of facts.

25 Sec. 46. Section 908.7, Code 1981, is amended
26 to read as follows:

27 908.7 ACTION BY PAROLE BOARD. Upon a finding
28 of probable cause to believe that a parole violation
29 *or violation of supervised release* has occurred, the
30 board of parole shall proceed without unreasonable
31 delay to hear the charge of [parole] *the* violation.
32 Upon receipt of the record prepared and forwarded
33 by the liaison officer, the board shall fix a time
34 and place for such hearing and shall notify in writing
35 the alleged violator, the alleged violator's attorney
36 of record, if any, and the department of social
37 services of such hearing and the claimed violation
38 [of parole]. The alleged violator shall be given an
39 opportunity to be heard by the board under such rules
40 as the board shall adopt. The inquiry shall be limited
41 to the following two matters: 1. Did the alleged
42 parole violation *or violation of supervised release*
43 actually occur? 2. If the violation did occur,
44 should the violator's parole *or supervised release*
45 be revoked? If the board determines that the parole
46 *or supervised release* should be revoked, it shall
47 make an order revoking the parole *or supervised*
48 *release*. The board shall furnish the violator with
49 a written statement of the facts relied upon to
50 establish a violation and the reasons for revoking

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1 parole *or supervised release*.

2 Sec. 47. Section 908.8, Code 1981, is amended
3 to read as follows:

4 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE.

5 The board of parole may receive from a parole officer
6 a charge or complaint of parole violation *or violation*
7 *of supervised release* against any parolee *or person*
8 *on supervised release*, and may proceed to a hearing
9 on such charge in any case where the alleged violator
10 has not been arrested or has been arrested and
11 discharged by the liaison officer on a finding of
12 no probable cause. The presence of the alleged
13 violator at such hearing shall be secured by summons.

14 A statement of the charge against the alleged violator
15 shall accompany the summons, and the parole officer
16 shall give the alleged violator such assistance as
17 is needed to get to the place of the hearing. Travel
18 expenses, if any, shall be paid by the board. If
19 the alleged violator fails without good cause to
20 appear as commanded by the summons, such failure shall
21 be considered a violation of the parole *or supervised*
22 *release*, and the board may proceed to revoke parole
23 *or supervised release*. If the parole *or supervised*
24 *release* is revoked, the board shall issue a warrant
25 for the person's arrest and return to the custody
26 of the department of social services. Upon his or
27 her return to custody, the board shall, upon request,
28 give the person an opportunity to present any matters
29 in defense or mitigation of the conduct.

30 Sec. 48. Section 908.9, Code 1981, is amended
31 to read as follows:

32 908.9 DISPOSITION OF VIOLATOR. If the parole
33 of any parole violator is revoked, the violator shall
34 remain in the custody of the department of social
35 services under the terms of the parolee's original
36 commitment. *If the supervised release of a violator*
37 *of supervised release is revoked, the offender shall*
38 *serve the remaining unexpired portion of his or her*
39 *sentence or until released by the board. If the*
40 *parole of any parole violator or the supervised release*
41 *of any violator of supervised release is not revoked,*
42 *the board shall order his or her release subject to*
43 *the terms of his or her parole or supervised release*
44 *with any modifications that the board shall determine*
45 *proper.*

46 Sec. 49. Section 908.10, Code 1981, is amended
47 to read as follows:

48 908.10 CONVICTION OF OTHER OFFENSE AS VIOLATION.
49 When the alleged violation of *parole or supervised*
50 *release* consists of a conviction of a public offense

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1 in this or any other state, such conviction shall
2 be proved by a certified copy of the judgment of
3 conviction, together with evidence that the alleged
4 violator is the person against whom the judgment was
5 rendered. Neither the liaison officer, court, nor
6 board of parole shall retry the facts underlying such
7 conviction.

8 Sec. 50. Rule of criminal procedure 6, subsection
9 6, Code 1981, is amended to read as follows:

10 6. ALLEGATIONS OF USE OF A [FIREARM] *DANGEROUS*
11 *WEAPON*. If the offense charged is one for which the
12 defendant, if convicted, will be subject by reason
13 of the Code to [a minimum sentence] *an increased penalty*
14 because of use of a [firearm] *dangerous weapon as defined*
15 *by section 702.7*, the allegation of such use, if any,
16 shall be contained in the indictment. If use of a
17 [firearm] *dangerous weapon* is alleged as provided by
18 this rule, and if the allegation is supported by the
19 evidence, the court shall submit to the jury a special
20 interrogatory concerning this matter, as provided
21 in R.Cr.P. 21(2).

22 Sec. 51. Rule of criminal procedure 8, subsection
23 2, paragraph b, subparagraph (2), Code 1981, is amended
24 to read as follows:

25 (2) The mandatory minimum [punishment] *term of*
26 *incarceration*, if any, and the maximum possible
27 punishment provided by the statute [defining] *because*
28 *of the circumstances of the offense to which the plea*
29 *is offered and because of defendant's prior conviction*
30 *record*.

31 Sec. 52. Rules of criminal procedure 21, subsection
32 2, unnumbered paragraph 2, Code 1981, is amended to
33 read as follows:

34 Where a defendant is alleged to [be subject to the
35 minimum sentence provisions of section 902.7, The]
36 Code (use of firearms)] *have used a dangerous weapon*
37 *as defined in section 702.7 in the commission of the*
38 *offense*, and the allegation is supported by the
39 evidence, the court shall submit a special
40 interrogatory concerning that matter to the jury.

41 Sec. 53. Rule of criminal procedure 22, subsection
42 3, paragraph d, Code 1981, is amended to read as
43 follows:

44 d. JUDGMENT ENTERED. If no sufficient cause is
45 shown why judgment should not be pronounced, and none
46 appears to the court upon the record, judgment shall
47 be rendered. Prior to such rendition, counsel for
48 the defendant, and the defendant personally, shall
49 be allowed to address the court where either wishes
50 to make a statement in mitigation of punishment.

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- 1 In every case the court shall include in the judgment
- 2 entry the number of the particular section of the
- 3 Code under which the defendant is sentenced, *a finding*
- 4 *whether the defendant used a dangerous weapon as*
- 5 *defined in section 702.7, in the commission of the*

6 *offense or offenses for which the offender is being*
 7 *sentenced.* The court shall state on the record its
 8 reason for selecting the particular sentence.

9 Sec. 54. Rule of criminal procedure 26, subsection
 10 1, Code 1981, is amended to read as follows:

11 1. REPRESENTATION. Every defendant who is an
 12 indigent as defined in section 336A.4, [The Code,] shall
 13 be entitled to have counsel appointed to represent
 14 him or her at every stage of the proceedings from
 15 the defendant's initial appearance before the
 16 magistrate or the court through appeal, including
 17 probation [and], parole *and supervised release* revocation
 18 hearings, unless the defendant waives such appointment.

19 Sec. 55. Section 1 of chapter 198, Acts of the
 20 Sixty-ninth General Assembly, 1981 Session, is
 21 repealed.

22 Sec. 56. Section 217.22, Code 1981, is repealed.

23 Sec. 57. Sections 204.413, 246.38, 246.39, 246.41,
 24 246.42, 246.43, 246.45, 902.7, and 902.8, Code 1981,
 25 are repealed except they shall remain in effect for
 26 those persons sentenced for offenses committed prior
 27 to July 1, 1982.

28 Sec. 58. Sections 7, 9 through 13, 17, 24, 57,
 29 and 58 take effect July 1, 1982.

30 Sections 1 through 6, 8, 14 through 16, 18 through
 31 22, and 26 through 54, take effect July 1, 1982 and
 32 apply to inmates sentenced for offenses committed
 33 after July 1, 1982. Sections 9 through 13 of this
 34 Act are repealed June 30, 1986.

35 2. Title page, line 1, by striking the words
 36 "reduction of".

S-5567

1 Amend the amendment, S-5462, to House File 2463,
 2 as amended, passed and reprinted by the House, as
 3 follows:

4 1. By striking page 1, line 5 through page 42,
 5 line 5 and inserting in lieu thereof the following:

6 "Section 1. WATER RESOURCES ADVISORY COUNCIL.

7 1. An advisory council on water resources is
 8 created. The advisory council shall make
 9 recommendations to the general assembly on matters
 10 related to statewide water resources planning, the
 11 development of a water resource data base, water use,
 12 flood plain management, and the organization and
 13 administration of the water resource and flood plain
 14 management laws and programs in this state.

15 2. The advisory council shall consist of the

16 following eleven members:

17 a. One member who is knowledgeable of the operation
18 of a water supply system in a city of three thousand
19 or less population.

20 b. One member who is knowledgeable of the operation
21 of a water supply system in a city of more than three
22 thousand population.

23 c. The chairperson of the environmental quality
24 commission.

25 d. The chairperson of the Iowa natural resources
26 council.

27 e. The state geologist.

28 f. One member who is a member of a local board
29 of health established under chapter 137.

30 g. One member who is a director of the board of
31 a rural water district established under chapter 357A.

32 h. One member who is actively engaged in the
33 management of a manufacturing company.

34 i. One member who is actively engaged in livestock
35 or grain farming.

36 j. One member who is a registered engineer
37 experienced in surface-water hydrology and hydraulics.

38 k. One member who is an elector of this state.

39 Except for those members specified under paragraphs
40 c, d, and e, the members of the advisory council shall
41 be appointed by the governor as soon as possible after
42 the effective date of this Act. The members of the
43 advisory council shall be residents of the state and
44 shall be selected without regard to their political
45 affiliation.

46 3. The members of the advisory council who are
47 not in the full-time employment of a public agency
48 shall be paid a per diem of forty dollars while engaged
49 in the performance of the duties of office. Members
50 shall be reimbursed for their actual and necessary

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1 expenses while performing the duties of office. The
2 per diem and other expenses of the advisory council
3 incurred in carrying out its duties shall be paid
4 from funds appropriated to the department of
5 environmental quality and the Iowa natural resources
6 council. The total costs of the advisory council
7 shall be shared equally by the department and the
8 council.

9 4. The advisory council shall organize by the
10 election of a chairperson and shall meet as it deems
11 necessary. The chairperson shall be elected at the

12 first meeting of the advisory council. Meetings may
 13 be called by the chairperson and shall be called by
 14 the chairperson as regularly scheduled. A majority
 15 of the advisory council is a quorum and the concurrence
 16 of a majority of the advisory council is required
 17 for determination of final recommendations to the
 18 general assembly.

19 5. The advisory council shall prepare and submit
 20 its recommendations on the organization and
 21 administration of the water resource and flood plain
 22 management laws and programs in this state to the
 23 general assembly not later than January 15, 1983.

24 6. The advisory council and the terms of its
 25 members shall expire on February 15, 1983."

26 2. Page 42, by inserting after line 5 the
 27 following:

28 "2. Amend the title, by striking lines 1 through
 29 and inserting in lieu thereof the following: "An
 30 Act creating an advisory council on water resources
 31 and specifying its duties."

NORMAN RODGERS
 C.W. BILL HUTCHINS
 BASS VAN GILST
 A.R. BUD KUDART
 GARY L. BAUGHER
 CLARENCE CARNEY
 TOM SLATER
 SUE YENGER
 JAMES V. GALLAGHER
 ARNE WALDSTEIN
 ELVIE L. DREESZEN
 GEORGE R. KINLEY

S-5568

1 Amend House File 844 as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 6, line 33, by inserting after the words
 4 "for the exemption." the words "A person who sells
 5 or transfers property which is designated for the
 6 exemption or the personal representative of a deceased
 7 person who owned such property shall provide written
 8 notice to the assessor that the property is no longer
 9 legally or equitably owned by the former claimant."

10 2. Page 7, line 18, by inserting after the word
 11 "recorder" the words ", from the person who sold or
 12 transferred the property, or from the personal
 13 representative of a deceased claimant".

JULIA GENTLEMAN

S-5569

1 Amend House File 2369 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 22 the
4 following:

5 "9. In lieu of imposing any other punishment under
6 this section, the court may impose the punishment
7 of this subsection on a defendant convicted of a third
8 or subsequent violation of this section. When punish-
9 ment is imposed under this subsection the court shall
10 order that the defendant shall be ineligible for a
11 period of five years to be issued a license or permit
12 to operate a motor vehicle under this chapter and
13 shall be ineligible for a period of five years to
14 register a motor vehicle under this chapter. Upon
15 the issuance of the order, the court shall notify
16 the department which shall revoke any license, permit
17 and registration held by the defendant. One year
18 after the issuance of the order, the defendant may
19 petition the court to restore the defendant's
20 eligibility for a license, permit and registration.
21 Upon a satisfactory showing to the court that the
22 defendant has completed a program of treatment and
23 has recovered from the defendant's addiction,
24 dependency or tendency to chronically abuse alcohol
25 or drugs, the court may restore the defendant's
26 eligibility and shall notify the department of the
27 restoration."

RICHARD COMITO
LUCAS J. DE KOSTER
ARTHUR A. SMALL, JR.
JOE BROWN

S-5570

1 Amend the House amendment, S-5528 to Senate File
2 276 as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 6 the following:
4 "____ Page 1, by inserting after line 24 the
5 following:

6 "4. If at any time there are two or more appointed
7 members who are from the same congressional district,
8 each of the appointed members from that district shall
9 share equally in deciding how the single vote of the
10 appointed membership for that district shall be cast
11 on a question before the state judicial nominating
12 commission.""

13 2. Page 1, by inserting after line 18 the

14 following:

15 "____ Page 2, by inserting after line 14 the

16 following:

17 "4. If at any time there are two or more elected
18 members who are from the same congressional district,
19 each of the elected members from that district shall
20 share equally in deciding how the single vote of the
21 elected membership for that district shall be cast
22 on a question before the state judicial nominating
23 commission."

24 3. By renumbering as necessary.

BOB RUSH

S-5571

1 Amend the amendment S-5549 to Senate File 2295 as
2 follows:

3 1. Page 1, line 28, by striking the word "board"
4 and inserting in lieu thereof the word "commission".

GARY L. BAUGHER

S-5572

1 Amend House File 800 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 8, by striking the word "may"
4 and inserting in lieu thereof the words "[may] shall".

5 2. Amend the title, by striking lines 1 through
6 4 and inserting in lieu thereof the following: "An
7 Act relating to the enforcement of city housing codes
8 under section 364.17."

DAVID M. READINGER

S-5573

1 Amend the House amendment, S-5503 to Senate File
2 2245, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 12.
4 2. Page 1, by striking lines 20 through 23.

JULIA GENTLEMAN

S-5574

1 Amend the amendment, S-5462, to House File 2463,
2 as amended, passed and reprinted by the House, as
3 follows:

4 1. Page 1, line 12, by inserting after the word

5 "commission" the words "*the Iowa geological survey,*"

6 2. Page 4, by striking lines 34 through 39 and
7 inserting in lieu thereof the following: "comprehensive
8 statewide program for the utilization and protection
9 of the surface and ground waters of the state, for
10 the assessment of the water needs of all water users
11 at five-year intervals for the twenty years beginning
12 January 1, 1983, and ending December 31, 2003,
13 utilizing a data base developed and managed by the
14 Iowa geological survey, and for the preparation of
15 a water plan to meet the specific needs of the water
16 users. The".

17 3. Page 5, line 34, by striking the word "with"
18 and inserting in lieu thereof the word "without".

19 4. Page 10, line 13, by inserting after the word
20 "received" the words ", except where the application
21 of this priority system prevents the prompt approval
22 of routine applications or where the public health,
23 safety or welfare will be threatened by delay".

24 5. Page 10, line 26, by inserting after the word
25 "permits." the words "If there is competition for
26 water, the use of water for irrigation except for
27 research has a lower priority than other beneficial
28 uses of water subject to conditions which the
29 commission may establish by rule."

30 6. Page 10, line 36, by striking the words "with
31 approval of" and inserting in lieu thereof the word
32 "or".

33 7. Page 12, line 30, by inserting after the word
34 "permit" the words ", or to protect persons or property
35 against imminent danger".

36 8. Page 41, by striking lines 12 through 27 and
37 inserting in lieu thereof the following:

38 "Sec. 87. EMPLOYEE TRANSFER OR TERMINATION. The
39 employees of the Iowa natural resources council
40 employed pursuant to chapter 455A are transferred
41 to the department of environmental quality. After
42 transfer of the employees under this section, any
43 employee of the department of environmental quality
44 whose duty assignment is terminated because of this
45 Act may be reassigned to other duties or terminated.
46 The Iowa merit employment commission shall adopt rules
47 to carry out the transfer of employees under this
48 section and to carry out subsequent reclassifications,
49 reassignments, or terminations made necessary by this
50 Act. The Iowa merit employment commission shall

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1 arbitrate and decide a written appeal made by an

2 employee concerning a transfer, reassignment,
 3 reclassification, or termination made necessary by
 4 this Act. An employee shall not lose benefits accrued,
 5 including but not limited to salary, retirement,
 6 vacation, or sick leave because of transfer or
 7 reassignment."

DALE L. TIEDEN

S-5575

1 Amend the House amendment S-5528 to Senate File
 2 276, as passed by the Senate, as follows:
 3 1. Page 2, by inserting after line 32 the
 4 following:
 5 "Sec. ____ Chapter 46, Code 1981, is amended by
 6 adding the following new section:
 7 *NEW SECTION. EXPENSES.* Appointed and elected
 8 members of the state and district judicial nominating
 9 commissions shall be reimbursed for actual and
 10 necessary expenses incurred in the performance of
 11 duties not to exceed maximum amounts for reimbursement
 12 as set by the supreme court by rule prescribing the
 13 maximum amounts, terms and conditions of reimbursement.
 14 These reimbursements shall be paid out of funds
 15 appropriated to the supreme court for this purpose."

BOB RUSH

S-5576

1 Amend the amendment, S-5462, to House File 2463,
 2 as amended, passed and reprinted by the House, as
 3 follows:
 4 1. By striking page 1, line 5 through page 42,
 5 line 5 and inserting in lieu thereof the following:
 6 "Section 1. WATER RESOURCES ADVISORY COUNCIL.
 7 1. An advisory council on water resources is
 8 created. The advisory council shall make
 9 recommendations to the general assembly on matters
 10 related to statewide water resources planning, the
 11 development of a water resource data base, water use,
 12 flood plain management, and the organization and
 13 administration of the water resource and flood plain
 14 management laws and programs in this state.
 15 2. The advisory council shall consist of the
 16 following eleven members:
 17 a. One member who is knowledgeable of the operation
 18 of a water supply system in a city of three thousand
 19 or less population.

20 b. One member who is knowledgeable of the operation
21 of a water supply system in a city of more than three
22 thousand population.

23 c. The chairperson of the environmental quality
24 commission.

25 d. The chairperson of the Iowa natural resources
26 council.

27 e. The state geologist.

28 f. One member who is a member of a local board
29 of health established under chapter 137.

30 g. One member who is a director of the board,
31 and who is actively engaged in the management of a
32 rural water district established under chapter 357A
33 or 504A.

34 h. One member who is actively engaged in the
35 management of a manufacturing company.

36 i. Two members who are actively engaged in
37 livestock or grain farming.

38 j. One member who is an elector of this state.

39 Except for those members specified under paragraphs
40 c, d, and e, the members of the advisory council shall
41 be appointed by the governor as soon as possible after
42 the effective date of this Act. The members of the
43 advisory council shall be residents of the state and
44 shall be selected without regard to their political
45 affiliation.

46 3. The members of the advisory council who are
47 not in the full-time employment of a public agency
48 shall be paid a per diem of forty dollars while engaged
49 in the performance of the duties of office. Members
50 shall be reimbursed for their actual and necessary

Page 2

1 expenses while performing the duties of office. The
2 per diem and other expenses of the advisory council
3 incurred in carrying out its duties shall be paid
4 from funds appropriated to the department of
5 environmental quality and the Iowa natural resources
6 council. The total costs of the advisory council
7 shall be shared equally by the department and the
8 council.

9 4. The advisory council shall organize by the
10 election of a chairperson and shall meet as it deems
11 necessary. The chairperson shall be elected at the
12 first meeting of the advisory council. Meetings may
13 be called by the chairperson and shall be called by
14 the chairperson as regularly scheduled. A majority
15 of the advisory council is a quorum and the concurrence

16 of a majority of the advisory council is required
 17 for determination of final recommendations to the
 18 general assembly.

19 5. The advisory council shall prepare and submit
 20 its recommendations on the organization and
 21 administration of the water resource and flood plain
 22 management laws and programs in this state to the
 23 general assembly not later than January 15, 1983.

24 6. The advisory council and the terms of its
 25 members shall expire on February 15, 1983."

26 2. Page 42, by inserting after line 5 the
 27 following:

28 "2. Amend the title, by striking lines 1 through
 29 11 and inserting in lieu thereof the following: "An
 30 Act creating an advisory council on water resources
 31 and specifying its duties."

NORMAN RODGERS
 C.W. BILL HUTCHINS
 GARY L. BAUGHER
 TOM SLATER
 BASS VAN GILST
 ARNE WALDSTEIN
 GEORGE R. KINLEY
 ELVIE L. DREESZEN
 A.R. BUD KUDART
 CLARENCE CARNEY

HOUSE AMENDMENT TO SENATE FILE 387

S-5577

1 Amend Senate File 387, as passed by the Senate,
 2 as follows:

3 1. Page 1, line 4, by striking the word "twenty-
 4 five" and inserting in lieu thereof the words "[twenty-
 5 five] *fifty*".

6 2. Page 1, line 6, by striking the word "twenty-
 7 five" and inserting in lieu thereof the words "[twenty-
 8 five] *fifty*".

9 3. Page 1, by striking lines 10 through 12 and
 10 inserting in lieu thereof the following: "purchase
 11 price paid by the fair[, and the cost of each chance
 12 in or ticket to that raffle may not exceed five dollars]
 13 *may be awarded.*"

14 4. Page 1, line 17, by striking the word "twenty-
 15 five" and inserting in lieu thereof the words "[twenty-
 16 five] *fifty*".

17 5. Page 1, by striking lines 23 through 25 and
 18 inserting in lieu thereof the following: "[the cost

19 to a participant of a chance in or ticket to the
20 raffle does not exceed five dollars] *may be awarded.*"
21 6. Amend the title, by striking lines 1 through
22 3 and inserting in lieu thereof the following: "An
23 Act relating to raffles conducted by fairs and raffles
24 and games other than bingo conducted by qualified
25 organizations."

S-5578

1 Amend the amendment S-5462 to House File 2463 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by striking lines 36 through 39, and
4 inserting in lieu thereof the following:
5 "NEW SUBSECTION. "Private water supply" means any
6 water supply for human consumption which has less than
7 twenty service connections or regularly serves less
8 than a total of five persons per service connection."

RAY TAYLOR

HOUSE AMENDMENT TO SENATE FILE 2204

S-5579

1 Amend Senate File 2204 as passed by the Senate,
2 as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 115.5, Code 1981, is amended
6 by striking the section and inserting in lieu thereof
7 the following:
8 115.5 TEMPORARY SUBSTITUTES APPOINTED. If the
9 regularly appointed shorthand reporter becomes
10 disabled, or if a vacancy occurs in a regularly
11 appointed shorthand reporter position, a judge may
12 appoint an uncertified shorthand reporter who the
13 judge deems a competent substitute for a period of
14 up to six months upon certification by the chief judge
15 of the judicial district that a regularly appointed
16 shorthand reporter is disabled, or in the event of
17 a vacancy, that a diligent but unsuccessful search
18 has been conducted to hire a certified shorthand
19 reporter.
20 Unless the person appointed under this section
21 becomes certified within the period of appointment,
22 the appointee shall not be eligible for any further
23 appointment under this section."
24 2. By renumbering to conform to this amendment.
25 3. Title page, by striking lines 1 and 2 and

26 inserting in lieu thereof the following: "An Act
 27 relating to shorthand reporters appointed on an
 28 emergency or temporary basis."

HOUSE AMENDMENT TO SENATE FILE 2243

S-5580

1 Amend Senate File 2243 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 6 and
 4 inserting in lieu thereof the following: "*NEW*
 5 *SUBSECTION. a. Commission rules establishing*".
 6 2. Page 1, by striking lines 10 through 18.
 7 3. Page 1, line 25, by inserting after the word
 8 "containing" the words "*less than*".
 9 4. Page 1, line 26, by striking the words "or
 10 less" and inserting in lieu thereof the words "[or
 11 less]".
 12 5. Page 1, line 27, by inserting after the word
 13 "containing" the words "*less than*".
 14 6. Page 1, line 28, by striking the words "or
 15 less" and inserting in lieu thereof the words "[or
 16 less]".

S-5581

1 Amend Senate File 2153 as follows:
 2 1. Page 1, by striking lines 1 through 9 and
 3 inserting in lieu thereof the following:
 4 "Section 1. Section 422.42, subsection 3,
 5 unnumbered paragraph 1, Code 1981, is amended to read
 6 as follows:
 7 "Retail sale" or "sale at retail" means the sale
 8 to a consumer or to any person for any purpose, other
 9 than for processing or for resale of tangible personal
 10 property or taxable services, or for resale of tangible
 11 personal property in connection with taxable services,
 12 and the sale of gas, electricity, water, and
 13 communication service to retail consumers or users,
 14 but does not include commercial fertilizer or
 15 agricultural limestone or materials, but not tools
 16 or equipment, which are to be used in disease control,
 17 weed control, insect control or health promotion of
 18 plants or livestock produced as part of agricultural
 19 production for market, or electricity or steam or
 20 any taxable service when purchased and used in the
 21 processing of tangible personal property intended
 22 to be sold ultimately at retail.

23 *PARAGRAPH DIVIDED.* Tangible personal property
24 is sold for processing within the meaning of this
25 subsection only when it is intended that such property
26 shall by means of fabrication, compounding,
27 manufacturing, or germination become an integral part
28 of other tangible personal property intended to be
29 sold ultimately at retail, or shall be consumed as
30 fuel in creating heat, power, or steam for processing
31 including grain drying or for generating electric
32 current, or consumed in implements of husbandry engaged
33 in agricultural production, or such property is a
34 chemical, solvent, sorbent, or reagent, which is
35 directly used and is consumed, dissipated, or depleted,
36 in processing personal property which is intended
37 to be sold ultimately at retail, and which may not
38 become a component or integral part of the finished
39 product, *or any material necessary to the printing*
40 *process whether or not consumed, dissipated, or*
41 *depleted in that process, including, but not limited*
42 *to, linotype, lithographic-offset plates, photoengraved*
43 *plates, engravings, negatives, color separations,*
44 *typesetting, image modulators, or any other base*
45 *material used as a carrier for light-sensitive*
46 *emulsions to be used to complete a finished product*
47 *for sale at retail.* The distribution to the public
48 of free newspapers or shoppers guides shall be deemed
49 a retail sale for purposes of the processing exemption.
50 Sec. 2. Section 423.1, subsection 1, unnumbered

Page 2

1 paragraph 1, Code 1981, is amended to read as follows:
2 "Use" means and includes the exercise by any person
3 of any right or power over tangible personal property
4 incident to the ownership of that property, except
5 that it shall not include processing, or the sale
6 of that property in the regular course of business.
7 Property used in "processing" within the meaning of
8 this subsection shall mean and include (a) any tangible
9 personal property including containers which it is
10 intended shall, by means of fabrication, compounding,
11 manufacturing, or germination, become an integral
12 part of other tangible personal property intended
13 to be sold ultimately at retail, (b) fuel which is
14 consumed in creating power, heat, or steam for
15 processing or for generating electric current, [or]
16 (c) chemicals, solvents, sorbents, or reagents, which
17 are directly used and are consumed, dissipated, or
18 depleted in processing personal property, which is

19 intended to be sold ultimately at retail, and which
 20 may not become a component or integral part of the
 21 finished product, or (d) any material necessary to
 22 the printing process whether or not consumed,
 23 dissipated, or depleted in that process, including,
 24 but not limited to, linotype, lithographic-offset
 25 plates, photoengraved plates, engravings, negatives,
 26 color separations, typesetting, image modulators or
 27 any other base material used as a carrier for light-
 28 sensitive emulsions to be used to complete a finished
 29 product for sale at retail. The distribution to the
 30 public of free newspapers or shoppers guides shall
 31 be deemed a retail sale for purposes of the processing
 32 exemption."

33 2. Title page, line 2, by striking the words
 34 "exempting from the taxes" and inserting in lieu
 35 thereof the words "providing that property sold or
 36 used within the meaning of the processing exemption
 37 includes".

38 3. By renumbering as necessary.

ARTHUR A. SMALL, JR.

S-5582

1 Amend Senate File 2295 as follows:

2 1. Page 4, line 7, by striking the words "but
 3 not elsewhere,".

4 2. Page 5, by inserting after line 3 the following:

5 "Sec. ____ *NEW SECTION. OFF-TRACK PARI-MUTUEL*
 6 *WAGERING.*

7 1. The commission may license facilities in which
 8 off-track pari-mutuel wagering on horse-race meetings
 9 may be conducted. Subject to this section and any
 10 rules adopted by the commissioner, the facilities
 11 may conduct wagers on horse-race meetings both within
 12 and without the state.

13 2. For horse-race meetings within the state, off-
 14 track pari-mutuel wagering shall result in the
 15 combination of all off-track wagers with on-track
 16 wagers so as to produce common pari-mutuel betting
 17 pools for the calculation of odds and the determination
 18 of payouts from the pool, which payout shall be the
 19 same for all winning tickets, irrespective of whether
 20 a wager is placed off-track or on-track.

21 3. Exotic or multiple bets on races run within
 22 the state may be approved by the commission without
 23 a comparable on-track pool, provided that the
 24 corporation or association conducting the races shall
 25 have filed with the commission a written consent for

26 the off-track exotic or multiple bets on races held
27 at its track.

28 4. The commission may approve separate off-track pools
29 on races run in other states subject to the limitations
30 of this Act.

31 5. The commission shall adopt rules relating to
32 the licensing of the facilities and shall adopt other
33 rules necessary and in the public interest to regulate
34 the operation of the facilities. These rules shall
35 include but are not limited to the following:

36 a. Prohibiting persons under the age of eighteen
37 years from entering off-track facilities.

38 b. Limiting the availability or use of
39 publications, written materials, or communications
40 equipment within the facilities as the board determines
41 to be in the public order.

42 c. Prohibiting the sale of food and beverages
43 in the facilities.

44 d. Providing the method for the results of races
45 to be communicated to the commission and the public.”

46 3. Page 6, line 7, by inserting before the word
47 “A” the figure “1.”

48 4. Page 6, by inserting after line 15 the
49 following:

50 “2. A tax of four percent is imposed on the gross

Page 2

1 sum wagered by the pari-mutuel method on any race either
2 within or without the state at an off-track wagering
3 facility. The operator of the off-track facility shall
4 pay the imposed tax to the treasurer of state within ten
5 days after the close of the race meeting upon which the
6 wager was placed. The treasurer shall deposit the tax
7 in the general fund of the state.”

8 5. Page 8, line 35 through page 9, line 1, by
9 striking the words “-PENALTY FOR OFF-TRACK BETTING”.

10 6. Page 9, lines 3 and 4, by striking the words “when
11 conducted within the race track enclosure at a licensed
12 horse-race meeting”.

13 7. Renumber as necessary.

GARY L. BAUGHER

S-5583

1 Amend the Small amendment, S-5581, to Senate File
2 2153 as follows:

3 1. Page 2, line 32, by striking the quotation
4 mark.

5 2. Page 2, by inserting after line 32 the
6 following:
7 "Sec. 3. Claims for refunds as a result of this
8 Act for sales, services, and use taxes paid on
9 transactions occurring between July 1, 1971 and July
10 1, 1982 involving the printing process shall be filed
11 between July 1, 1982 and September 1, 1982.
12 Notwithstanding any other provision of law, the total
13 amount of refunds that shall be paid pursuant to this
14 section shall not exceed the sum of fifty thousand
15 dollars. If the total dollar amount of the allowable
16 claims for refunds exceed the sum of fifty thousand
17 dollars the director of revenue shall pro-rate the
18 fifty thousand dollars amongst the claimants of the
19 allowable claims by paying each claimant a percent
20 of the amount of the claimant's allowable claim equal
21 to the percent that fifty thousand dollars bears to
22 the total amount of all the allowable claims.
23 This section shall not be codified but shall be
24 contained in the session laws only.
25 Sec. 4. This Act is retroactive to July 1, 1971."
26 3. Page 2, by inserting after line 37, the
27 following:
28 " _____ Title page, line 4, by inserting after the
29 word "emulsions" the words ", limiting the amount
30 of refunds allowable under this Act,"."

ARTHUR A. SMALL, JR.

S-5584

1 Amend Senate File 2299 as follows:
2 1. Page 2, by striking line 18 through page 3,
3 line 5, and inserting in lieu thereof the following:
4 "98.39 FREE CIGARETTES OR LITTLE CIGARS. A person
5 who is a manufacturer, distributor, wholesaler or
6 retailer of cigarettes or little cigars shall not in
7 the course of that trade or business distribute free
8 cigarettes or little cigars in packs containing more
9 than four cigarettes or little cigars per pack in
10 this state."

JACK W. HESTER

S-5585

1 Amend amendment S-5517 to Senate File 2299, as
2 follows:
3 1. Page 1, line 4, by striking the words "word
4 "and"" and inserting in lieu thereof the words "words

5 "and repealing".

CLARENCE CARNEY

S-5586

- 1 Amend Senate File 2251 as follows:
- 2 1. Page 1, line 3, by striking the words "Whenever
- 3 an" and inserting in lieu thereof the word "When".
- 4 2. Page 1, line 4, by inserting after the word
- 5 "registration" the words "on or after December 1,
- 6 1982,".
- 7 3. Page 3, line 4, by inserting after the word
- 8 "Iowa" the words "on or after March 15, 1983".
- 9 4. Page 3, line 7, by inserting after the word
- 10 "tank" the words "or unless the motor vehicle is
- 11 registered under chapter 326".

EDGAR H. HOLDEN

S-5587

- 1 Amend House File 2351 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 4, line 31, by striking the words "*FOREST*
- 4 *AND FRUIT-TREE*] *FRUIT-TREE*" and inserting in lieu
- 5 thereof the words "FOREST AND FRUIT-TREE".
- 6 2. Page 4, line 34, by striking the word "Fruit-
- 7 tree" and inserting in lieu thereof the words "[Fruit-
- 8 tree] Forest and fruit-tree".

BOB RUSH

S-5588

- 1 Amend Senate File 2304 as follows:
- 2 1. Page 18, by inserting after line 14 the
- 3 following:
- 4 "Sec. 45a. There is appropriated from the general
- 5 fund of the state to the school budget review committee
- 6 for the fiscal year beginning July 1, 1982 and ending
- 7 June 30, 1983 the sum of two hundred thousand (200,000)
- 8 dollars, or so much thereof as is necessary, to be
- 9 used for grants to public schools and for nonpublic
- 10 school pupils for special instruction for non-English-
- 11 speaking students as provided in section 280.4 in
- 12 section 45b of this Act.
- 13 Sec. 45b. Section 280.4, subsection 1, Code 1981,
- 14 is amended to read as follows:
- 15 1. The board of directors of a school district
- 16 may submit an application to the school budget review

17 committee for funds provided by [Acts of the Sixty-
 18 eighth General Assembly, chapter 13, section 7,
 19 subsection 10] *section 45a of this Act*, for instruction
 20 in the English language, a transitional bilingual,
 21 or other special instruction program when support
 22 for the program from other federal, state or local
 23 sources is not available or is inadequate. The
 24 department of public instruction shall review all
 25 applications for funding and provide recommendations
 26 to the school budget review committee regarding their
 27 disposition. The school budget review committee shall
 28 not grant funds to a public school for instruction
 29 in the English language, a transitional bilingual
 30 or other special instruction program unless the program
 31 offered by the public school is available to nonpublic
 32 school students in the district.”
 33 2. By numbering and renumbering sections and
 34 correcting internal references as necessary.

GARY L. BAUGHER

S-5589

1 Amend Senate File 2295 as follows:
 2 1. Page 7, by striking lines 5 through 14, and
 3 inserting in lieu thereof the following: “are counties
 4 in the state of Iowa. One part shall be remitted
 5 to the county treasurer of each county regardless
 6 of population. The part remitted to a county shall
 7 be used by the county to pay the expenses of the
 8 county’s sheriff’s department.”

GARY L. BAUGHER

S-5590

1 Amend Senate File 2304 as follows:
 2 1. By striking page 28, line 24 through page 29,
 3 line 7.
 4 2. Renumber sections and correct internal
 5 references as are necessary in accordance with this
 6 amendment.

RICHARD F. DRAKE

S-5591

1 Amend Senate File 2295 as follows:
 2 1. Page 6, line 21, by striking the words “the
 3 expenses” and inserting in lieu thereof the words
 4 “two hundred fifty thousand dollars annually shall

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5 first be paid to the division of criminal investigation
 6 of the department of public safety for the purpose
 7 of investigating illegal track and betting activities
 8 in the state. The expenses".
 9 2. Page 6, line 25, by striking the word "first"
 10 and inserting in lieu thereof the word "then".

FORREST V. SCHWENGELS

S-5592

1 Amend Senate File 2304 as follows:
 2 1. Page 55, by inserting after line 3 the following
 3 new section:
 4 "Sec. ____ Acts of the Sixty-ninth General
 5 Assembly, 1981 Session, chapter 14, section 5,
 6 subsection 2, is amended to read as follows:
 7 2. For public transit
 8 purposes to implement a
 9 state assistance plan \$ 1,908,000 \$ [1,908,000]
 10 *2,033,000*".
 11 2. Renumber sections and correct internal
 12 references as are necessary in accordance with this
 13 amendment.

RICHARD F. DRAKE
 C.W. BILL HUTCHINS
 JOHN W. JENSEN
 BOB CARR
 WILLIAM D. PALMER

S-5593

1 Amend Senate File 2295 as follows:
 2 1. Page 6, by inserting after line 19 the
 3 following:
 4 "Sec. ____ *NEW SECTION. IDENTIFICATION OF WINNINGS*
 5 *COLLECTED.* For the purpose of verifying income
 6 received, a licensee shall record the names and social
 7 security numbers of persons collecting moneys from
 8 winning wagers. The licensee shall forward copies
 9 of the records to the director of revenue on or before
 10 January 1 of each year. The director of revenue may
 11 provide the records to the federal internal revenue
 12 service."
 13 2. Renumber as necessary.

FORREST V. SCHWENGELS

S-5594

1 Amend Senate File 2304 as follows:

- 2 1. Page 41, by striking line 8, and inserting
 3 in lieu thereof the figure "112,666,000".
 4 2. Page 41, line 17, by striking the figure "1981"
 5 and inserting in lieu thereof the figures "[1981] 1982".
 6 3. Page 41, line 22, by inserting after the word
 7 "reports" the words "*which rate shall be increased*
 8 *by a factor of two and twenty-six hundredths percent*".
 9 4. Page 53, line 23, by inserting after the word
 10 "to" the words "intermediate care facility
 11 reimbursements."
 12 5. Page 53, line 25, by inserting after the word
 13 "sections" the figure "87".

BERL E. PRIEBE

S-5595

- 1 Amend Senate File 2239 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 "secondary," the words "*accredited private*."
 4 2. Title, line 2, by inserting after the word
 5 "by" the words "accredited private and".

BOB CARR

S-5596

- 1 Amend Senate File 2304 as follows:
 2 1. Page 29, line 20, by striking the words and
 3 figure "forty thousand (40,000)" and inserting in
 4 lieu thereof the words and figure "fifty thousand
 5 (50,000)".
 6 2. Page 29, lines 21 and 22, by striking the words
 7 and figure "sixty-seven thousand five hundred (67,500)"
 8 and inserting in lieu thereof the words and figure
 9 "fifty thousand (50,000)".
 10 3. Page 29, line 35, by striking the figure
 11 "2,393,225" and inserting in lieu thereof the figure
 12 "2,385,725".

BERL E. PRIEBE

S-5597

- 1 Amend Senate File 2239 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 280A.35, unnumbered paragraph
 5 1, Code 1981, is amended to read as follows:
 6 A merged area may not purchase land which will

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7 increase the aggregate of land owned by [such] *the*
8 *merged area*, excluding land [which has been or may
9 be] acquired by donation or gift, by more than three
10 hundred twenty acres *without the approval of the state*
11 *board*. [Such] *The* limitation [shall] *does* not apply to
12 a merged [areas] *area* owning more than three hundred
13 twenty acres, excluding land acquired by donation
14 or gift, prior to January 1, 1969.”
15 2. By renumbering sections as necessary.

JAMES D. WELLS

S-5599

1 Amend Senate File 2299 as follows:
2 1. Page 5, by inserting after line 6 the
3 following:
4 “Sec. ____ Section 551A.3, subsection 1, Code 1981,
5 is amended to read as follows:
6 1. It shall be unlawful for any wholesaler or
7 retailer to offer to sell, or sell, at wholesale or
8 retail, cigarettes at less than cost to such wholesaler
9 or retailer, as the case may be, as defined in this
10 chapter. [Any wholesaler or retailer who violates
11 the provisions of this section shall be guilty of
12 a simple misdemeanor.]
13 Sec. ____ Sections 551A.10 and 551A.11, Code 1981,
14 are repealed.”

DICK RAMSEY

S-5600

1 Amend Senate File 2304 as follows:
2 1. Page 41, by striking line 8, and inserting
3 in lieu thereof the figure “113,203,000”.
4 2. Page 41, line 17, by striking the figure “1981”
5 and inserting in lieu thereof the figures “[1981] 1982”.
6 3. Page 41, line 22, by inserting after the word
7 “reports” the words “, which rate shall be increased
8 by a factor of three and four-tenths percent”.
9 4. Page 53, line 23, by inserting after the word
10 “to” the words “intermediate care facility
11 reimbursements.”.
12 5. Page 53, line 25, by inserting after the word
13 “sections” the figure “87.”.

BERL E. PRIEBE

S-5601

1 Amend Senate amendment S-5584 to Senate File 2299

2 as follows:

3 1. Page 1, by striking lines 2 through 10 and
4 inserting in lieu thereof the following:

5 "1. Page 2, by striking line 18 through page 3,
6 line 5 and inserting in lieu thereof the following:

7 "98.39 FREE CIGARETTES OR LITTLE CIGARS. A person
8 who is a manufacturer, distributor, wholesaler, or
9 retailer of cigarettes or little cigars shall not
10 in the course of that trade or business distribute
11 free cigarettes or little cigars in this state."

12 2. Title page, by striking line 4 and inserting
13 in lieu thereof the words "prohibiting certain free
14 cigarettes or little cigars from being".

ARTHUR A. SMALL, JR.

S-5602

1 Amend House File 2369 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 22 the
4 following:

5 "9. When a defendant is convicted of a third or
6 subsequent violation of this section the court shall
7 order that the defendant shall be ineligible for a
8 period of five years to be issued a license or permit
9 to operate a motor vehicle under this chapter. Upon
10 the issuance of the order, the court shall notify
11 the department which shall revoke any license or
12 permit to operate a motor vehicle held by the
13 defendant. Not sooner than one year after the issuance
14 of the order, the defendant may petition the court
15 to restore the defendant's eligibility for a license
16 or permit to operate a motor vehicle. Upon a
17 satisfactory showing to the court that the defendant
18 has completed a program of treatment and has recovered
19 from the defendant's addiction, dependency or tendency
20 to chronically abuse alcohol or drugs, the court may
21 restore the defendant's eligibility and shall notify
22 the department of the restoration."

C.W. BILL HUTCHINS
ALVIN V. MILLER
JOE BROWN

S-5603

1 Amend House File 2368 as follows:

2 1. Page 1, line 23, by inserting after the word
3 "action" the words "to the extent that the support,

4 *awards, and judgments have accrued at the time of*
5 *death of the decedent”.*

BOB RUSH
A.R. BUD KUDART

HOUSE AMENDMENT TO SENATE FILE 2253

S-5604

1 Amend Senate File 2253 as passed by the Senate,
2 as follows:
3 1. Page 1, by striking lines 13 and 14 and
4 inserting in lieu thereof the following:
5 “12. “Health care facilities” means those
6 facilities referred to in section 135C.1, subsection
7 4, which contain fifteen beds or less.”
8 2. Page 5, by striking lines 3 through 7.

HOUSE AMENDMENT TO SENATE FILE 549

S-5605

1 Amend Senate File 549, as passed by the Senate,
2 as follows:
3 1. Page 1, line 17, by striking the words “in
4 the year” and inserting in lieu thereof the words
5 “for the fiscal year”.
6 2. Page 1, by striking lines 20 and 21 and
7 inserting in lieu thereof the words “by the number
8 of months in the fiscal year in which the property
9 was acquired which elapsed prior to the month in which
10 the property owner”.
11 3. Page 1, line 33, by inserting after the period
12 the words “The county treasurer shall collect and
13 accept the payment received on property acquired for
14 road purposes as full and final payment of all property
15 tax and special assessments on the property and
16 apportion the payment on the basis of the levy in
17 effect in the fiscal year in which the property is
18 acquired.”
19 Amend amendment H-5656, the Senate amendment to
20 House File 828, as follows:
21 1. Page 1, line 50, by inserting after the word
22 “senate,” the words “who may be selected”.

HOUSE AMENDMENT TO SENATE FILE 2221

S-5606

1 Amend Senate File 2221 as amended, passed and

2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 15 and 16 and
4 inserting in lieu thereof the following:

5 "4. "Weed seed" means the seed of all plants
6 listed as weeds in this chapter or listed as weeds
7 in the rules of the department."

8 2. Page 1, line 28, by inserting after the word
9 "practices." the following: "For the purpose of this
10 chapter and the sale of seed, primary noxious weeds
11 in this state are the seeds of:

12 (1) Quack grass--*Agropyron repens* (L.) Beauv.

13 (2) Canada thistle--*Cirsium arvense* (L.) Scop.

14 (3) Perennial sow thistle--*Sonchus arvensis* L.

15 (4) Perennial pepper grass (hoary cress)--*Cardaria*
16 *draba* (L.) Desv.

17 (5) European morning-glory (field bindweed)--
18 *Convolvulus arvensis* L.

19 (6) Horse nettle--*Solanum carolinense* L.

20 (7) Leafy spurge--*Euphorbia esula* L.

21 (8) Russian knapweed--*Centaurea repens* L."

22 3. Page 1, line 31, by inserting after the word
23 "practices." the following: "For the purpose of this
24 chapter and the sale of seed, the secondary noxious
25 weed seeds in this state are the seeds of:

26 (1) Wild carrot--*Daucus carota* L.

27 (2) Sour dock (curly dock)--*Rumex crispus* L.

28 (3) Smooth dock--*Rumex altissimus* Wood.

29 (4) Sheep sorrel (red sorrel)--*Rumex acetosella*
30 L.

31 (5) Butterprint (velvet leaf)--*Abutilon theophrasti*
32 Medic.

33 (6) Mustards--*Brassica juncea* (L.) Coss., *Sinapis*
34 *arvensis* L. and *B. nigra* (L.) Koch.

35 (7) Cocklebur--*Xanthium strumarium* L.

36 (8) Buckhorn--*Plantago lanceolata* L.

37 (9) Dodders--*Cuscuta* species.

38 (10) Giant foxtail--*Setaria faberii* Herrm.

39 (11) Poison hemlock--*Conium maculatum*.

40 (12) Wild sunflower--Wild strain of *Helianthus*
41 *annus* (L.)

42 (13) Puncture vine--*Tribulus terrestris*."

43 4. Page 4, by inserting after line 10, the
44 following:

45 "The Iowa Secretary of Agriculture shall by rule,
46 define the terms "breeder", "foundation", "registered",
47 "certified" and "inbred", as used in this Act."

48 5. Page 8, line 18, by striking the word "are"
49 and inserting in lieu thereof the word "is".

50 6. Page 9, line 27, by striking the words "test

Page 2

- 1 or".
- 2 7. Page 13, line 33, by inserting after the word
- 3 "selling" the words "*or advertising*".

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 2357

S-5607

- 1 Amend amendment H-5692, the Senate amendment to
- 2 House File 2357, as amended, passed and reprinted
- 3 by the House, as follows:
- 4 1. Page 1, line 5, by inserting after the word
- 5 "appointed" the following: "state officers, four
- 6 elected or appointed".

S-5608

- 1 Amend amendment S-5112 to House File 744 as amended,
- 2 passed and reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 24 and 25 and
- 4 inserting in lieu thereof the following: "*the pre-*
- 5 *sentence investigation report a denial or refutation*
- 6 *of the allegations contained in the report, or both.*
- 7 *The denial or refutation shall*".

LUCAS J. DE KOSTER

S-5609

- 1 Amend Senate File 2304 as follows:
- 2 1. Page 29, line 28, by striking the words and
- 3 figures "subsections 1 and 3" and inserting in lieu
- 4 thereof the word and figure "subsection 1".
- 5 2. Page 29, line 35, by striking the figure
- 6 "2,393,225" and inserting in lieu thereof the figure
- 7 "2,488,840".
- 8 3. Page 30, by striking lines 1 through 8, and
- 9 inserting in lieu thereof the following:
- 10 "3. It is the intent of the general assembly that
- 11 the Iowa development commission shall operate the
- 12 international office within the funds approved for the
- 13 commission."

CLARENCE CARNEY
TED ANDERSON

S-5610

- 1 Amend amendment S-5587 to House File 2351 as

2 amended, passed and reprinted by the House as follows:

- 3 1. Page 1, by inserting after line 2 the following:
 4 "____ Page 4, line 25, by inserting after the
 5 word "land" the words "located in the unincorporated
 6 area of a county"."
 7 2. Page 1, line 8, by inserting after the word
 8 "*Forest*" the words "*reservations located within the*
 9 *corporate limits of a city*".

BOB RUSH

S-5611

- 1 Amend House File 744 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 4, by striking line 29 through page 6,
 4 line 4.

DICK RAMSEY
 LUCAS J. DE KOSTER
 GARY L. BAUGHER

S-5612

- 1 Amend Senate File 2304 as follows:
 2 1. Page 39, by inserting after line 12 the
 3 following:
 4 "*NEW UNNUMBERED PARAGRAPH.* The department of
 5 social services shall provide current recipients under
 6 the aid to families with dependent children program
 7 with opportunities to receive instruction on
 8 retrospective budgeting and monthly reporting and
 9 shall provide applicants under the program with indivi-
 10 dualized instruction on retrospective budgeting and
 11 monthly reporting during the application process."

TOM SLATER
 ARNE WALDSTEIN

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 828

S-5613

- 1 Amend amendment H-5656, the Senate amendment to
 2 House File 828, as follows:
 3 1. Page 1, line 50, by inserting after the word
 4 "senate," the words "who may be selected".

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 2250

S-5614

- 1 Amend the Senate amendment, S-5670, to House File
- 2 2250, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 8 through 18.

S-5615

- 1 Amend Senate File 2304 as follows:
- 2 1. Page 41, by inserting after line 34 the
- 3 following:
- 4 "*NEW UNNUMBERED PARAGRAPH. Medical assistance*
- 5 *reimbursement rates for hospitals shall be established*
- 6 *on a prospective basis. The department of social*
- 7 *services shall not change the method of reimbursement*
- 8 *for the state mental health institutes."*
- 9 2. Page 53, line 16, by inserting after the word
- 10 "project," the words "hospital reimbursements based
- 11 on a prospective basis,".

ARNE WALDSTEIN

S-5616

- 1 Amend Senate File 2304 as follows:
- 2 1. Page 41, line 11, by striking the word and
- 3 figure "and 5" and inserting in lieu thereof the word
- 4 and figures "5, and 7".
- 5 2. Page 41, by inserting after line 31 the
- 6 following:
- 7 "[Pharmacists] *Pharmacies* in this state [who] *which*
- 8 *reduce the charges of prescription drugs to persons*
- 9 *participating in private, third-party payor*
- 10 *prescription drug insurance or benefit plans or to*
- 11 *the insurance or benefit plans shall also reduce by*
- 12 *the same amount the charges to persons participating*
- 13 *in the medical assistance program or to the program.*
- 14 *For the purpose of this unnumbered paragraph, the*
- 15 *reduction of charges includes the discounting of*
- 16 *deductibles or coinsurance payable by plan participants*
- 17 *or the distribution of free merchandise directly or*
- 18 *indirectly through coupon or rebate programs to plan*
- 19 *participants. The board of pharmacy examiners shall*
- 20 *adopt rules under section 17A.4, subsection 2 and*
- 21 *section 17A.5, subsection 2, paragraph b to insure*
- 22 *that pharmacists reduce charges by the same amount*
- 23 *to both third-party payors and the medical assistance*
- 24 *program and that copayment requirements are applied*
- 25 *equally to both third-party payors and the medical*
- 26 *assistance program. The rules shall become effective*
- 27 *immediately upon filing, unless a later effective*

28 date is specified in the rules.

29 *Effective October 1, 1982, a professional dispensing*
30 *fee reimbursement of fifty cents per prescription,*
31 *in addition to the ordinary professional dispensing*
32 *fee reimbursement, shall be made for the selection*
33 *of equivalent drug products which are less expensive*
34 *than those prescribed by the physician and which*
35 *result in a cost savings to the medical assistance*
36 *program of at least one dollar and fifty cents per*
37 *prescription."*

38 3. Page 42, by inserting after line 29 the
39 following:

40 *"NEW UNNUMBERED PARAGRAPH. Notwithstanding Acts*
41 *of the Sixty-ninth General Assembly, 1981 Session,*
42 *chapter 7, section 3, subsection 2, unnumbered para-*
43 *graph 6, medical assistance payments for all mandatory*
44 *and optional services, except for intermediate care*
45 *facility services, intermediate care facility services*
46 *for the mentally retarded, services provided to*
47 *recipients in state mental health institutes, and*
48 *medical transportation services other than ambulance*
49 *services, shall be reduced by a factor of two and*
50 *one-half percent. However, the two and one-half*

Page 2'

1 percent reduction shall not apply to reimbursements
2 for the ingredient cost of prescription drugs or to
3 hospital reimbursements or to physician
4 reimbursements."

5 4. Page 53, line 16, by inserting after the word
6 "project," the words "percentage reductions of
7 reimbursements for most mandatory and optional
8 services,".

9 5. Page 53, line 23, by inserting after the word
10 "to" the words "professional prescription drug
11 dispensing fee reimbursements,".

12 6. Page 53, line 25, by inserting after the word
13 "sections" the figure "87,".

ARNE WALDSTEIN

S-5617

1 Amend House File 764 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 19 the
4 following: *"However, the abutting property owner*
5 *shall not be liable for personal injury, death, or*
6 *property damage caused by natural conditions beyond*

7 *the owner's control. All legal or equitable defenses*
8 *are available to an abutting property owner in an*
9 *action brought pursuant to this paragraph."*

BERL E. PRIEBE
GARY L. BAUGHER

S-5618

1 Amend House File 744 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, line 15, by inserting after the word
4 "sentence." the following: "*A copy of the judgment*
5 *entry shall be delivered to the defendant personally*
6 *or by certified mail."*

7 2. Page 3, line 26, by striking the word "The"
8 and inserting in lieu thereof the words "[The] *A copy*
9 *of the*".

LUCAS J. DE KOSTER

S-5619

1 Amend House File 2435 as amended and passed by
2 the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. *NEW SECTION*. Before a person improves
6 property acquired to establish, use, and maintain
7 a shooting range by the erection of buildings,
8 breastworks, ramparts, or other works or before a
9 person substantially changes the existing use of a
10 shooting range, the person shall seek approval of
11 the county zoning commission or the city zoning
12 commission, whichever is appropriate. The appropriate
13 commission shall comply with section 358A.8 or 414.6.
14 In the event a county or city does not have a zoning
15 commission, the county board of supervisors or the
16 city council shall comply with section 358A.6 or 414.5
17 before granting the approval.

18 A person who acquires title to or who owns real
19 property adversely affected by the use of property
20 with a permanently located and improved range shall
21 not maintain a nuisance action against the person
22 who owns the range to restrain, enjoin, or impede
23 the use of the range where there has not been any
24 substantial change in the nature of the use of the
25 range. This section shall not be in any way construed
26 to enjoin actions for negligence or recklessness in

27 the operation of the range or by any person using
28 the range."

JULIA GENTLEMAN
BOB CARR

S-5620

1 Amend Senate File 2304 as follows:
2 1. Page 11, lines 12 and 13, by striking the words
3 "in piety and morality, in such instruction" and
4 inserting in lieu thereof the words "[in piety and
5 morality, in such instruction]".

TOM SLATER

S-5621

1 Amend Senate File 2299 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "cigarette" the words "which shall not be considered
4 as part of the basic cost of cigarettes as defined
5 in section 551A.2".

RICHARD F. DRAKE
GEORGE R. KINLEY
EDGAR H. HOLDEN

S-5622

1 Amend Senate File 2299 as follows:
2 1. Page 5, by inserting after line 6 the following:
3 "Sec. ____ Chapter 551A, Code 1981, is amended
4 by adding the following new section:
5 *NEW SECTION. CASH DISCOUNT.* A wholesaler shall
6 provide a discount of two percent of the price of
7 the cigarettes sold to a retailer who purchases the
8 cigarettes for cash."
9 2. Title page, line 8, by inserting after the
10 word "director," the words "and requiring wholesalers
11 to grant a discount to retailers who purchase
12 cigarettes for cash,".
13 3. By numbering and renumbering as necessary.

RICHARD COMITO
GARY L. BAUGHER
JOHN W. JENSEN

S-5623

1 Amend Senate File 2304 as follows:

AMENDMENTS FILED

1999

- 2 1. Page 2, line 6, by striking the words "women's
3 reformatory" and inserting in lieu thereof the words
4 "Iowa correctional institution for women".
- 5 2. Page 8, line 8, by striking the words "women's
6 reformatory" and inserting in lieu thereof the words
7 "[women's reformatory]".
- 8 3. Page 8, line 9, by inserting after the words
9 "[City]" the words "*Iowa correctional institution for*
10 *women*".
- 11 4. Page 8, line 32, by striking the words "*Women's*
12 *Reformatory*" and inserting in lieu thereof the words
13 "*Iowa Correctional Institution For Women*".
- 14 5. Page 12, line 26, by striking the words "*Women's*
15 *Reformatory*" and inserting in lieu thereof the words
16 "*Iowa Correctional Institution For Women*".
- 17 6. Page 13, line 1, by striking the words "women's
18 reformatory" and inserting in lieu thereof the words
19 "[women's reformatory] *Iowa correctional institution*
20 *for women*".
- 21 7. Page 13, line 8, by striking the words "*women's*
22 *reformatory*" and inserting in lieu thereof the words
23 "[reformatory] *Iowa correctional institution for women*".
- 24 8. Page 13, line 10, by striking the word
25 "reformatory" and inserting in lieu thereof the words
26 "[reformatory] *Iowa correctional institution for women*".
- 27 9. Page 13, line 11, by inserting after the word
28 "institution" the words "*or school*".
- 29 10. Page 13, line 12, by inserting after the word
30 "*institution*" the words "*or school*".
- 31 11. Page 13, line 14, by inserting after the word
32 "institution" the words "*or school*".
- 33 12. Page 13, line 21, by inserting after the word
34 "institution" the words "*or school*".
- 35 13. Page 13, line 24, by striking the words
36 "women's reformatory" and inserting in lieu thereof
37 the words "[women's reformatory] *Iowa correctional*
38 *institution for women*".
- 39 14. Page 14, lines 1 and 2, by striking the words
40 "women's reformatory" and inserting in lieu thereof
41 the words "[women's reformatory] *Iowa correctional*
42 *institution for women*".
- 43 15. Page 14, line 5, by striking the words "women's
44 reformatory" and inserting in lieu thereof the words
45 "[women's reformatory] *Iowa correctional institution*
46 *for women*".

GARY L. BAUGHER
TOM SLATER
MICK LURA
RAY TAYLOR
JULIA GENTLEMAN

S-5624

1 Amend Senate File 2299 as follows:

2 1. Page 1, line 15, by inserting after the word

3 "shall" the word "not".

4 2. Page 1, line 16, by striking the words "of

5 two percent of the face value".

6 3. Page 2, by inserting after line 15 the

7 following:

8 "Sec. ____ Section 98.35, Code 1981, is amended

9 to read as follows:

10 98.35 TAX AND FEES PAID TO GENERAL FUND. The

11 proceeds derived from the sale of stamps and the

12 payment of taxes, fees and penalties provided for

13 under this chapter, and the permit fees received from

14 all permits issued by the department, shall be credited

15 to the general fund of the state. *However, beginning*

16 *with the fiscal year beginning July 1, 1983, there*

17 *is appropriated annually from the state general fund*

18 *an amount equal to one percent of the face value of*

19 *all tax stamps sold in the preceding fiscal year to*

20 *the university of Iowa for the purpose of providing*

21 *additional funds for research in the area of cancer,*

22 *heart ailments, and other ailments or diseases*

23 *associated with the smoking or use of cigarettes,*

24 *cigars or other tobacco products. All permit fees*

25 *provided for in this chapter and collected by cities*

26 *in the issuance of permits granted by the cities shall*

27 *be paid to the treasurer of the city wherein the*

28 *permit is effective, or to another city officer as*

29 *designated by the council, and credited to the general*

30 *fund of said city. Permit fees so collected by*

31 *counties shall be paid to the county treasurer and*

32 *credited to the general fund of such county."*

33 4. Title page, by striking lines 2 and 3 and

34 inserting in lieu thereof the words "by making

35 permanent the tax rate of nine mills, prohibiting

36 the sale of tax stamps at a discount,".

37 5. Title page, line 8, by inserting after the

38 word "director," the words "making an appropriation,".

39 6. By numbering and renumbering as necessary.

SUE YENGER
ARTHUR A. SMALL, JR.
RICHARD COMITO
GARY L. BAUGHER

S-5625

1 Amend the amendment S-5622 to Senate File 2299 as

2 follows:

- 3 1. Page 1, line 5, by striking the word "shall"
4 and inserting in lieu thereof the word "may".

JOHN W. JENSEN

S-5626

1 Amend Senate File 2295 as follows:

- 2 1. Page 2, line 28, by inserting after the word
3 "APPLICATIONS" the words "--RACE TRACK LOCATION".
4 2. Page 3, lines 4 and 5, by striking the words
5 "and the exact location where".
6 3. Page 3, by inserting after line 6, the
7 following: "The general assembly shall approve one
8 race track location in the state. All horse-race
9 meetings conducted pursuant to this Act shall be
10 conducted at the approved location. The commission
11 shall acquire the approval location and construct,
12 operate, and maintain facilities necessary to conduct
13 race-meetings at the location. The costs of
14 acquisition, construction, operation and maintenance
15 of the approved location and the facilities are an
16 expense of the commission."
17 4. Page 3, lines 13 and 14, by striking the words
18 "the place where the race meeting is to be held."
19 5. Page 4, line 5, by striking the word "a" and
20 inserting in lieu thereof the words "the approved".
21 6. Page 6, line 7, by striking the word "four"
22 and inserting in lieu thereof the word "eight".
23 7. Page 6, line 9, by striking the word "licensee"
24 and inserting in lieu thereof the word "commission".
25 8. Page 6, line 11, by striking the words "race
26 tracks" and inserting in lieu thereof the words
27 "approved race track".
28 9. Page 6, line 23, by inserting after the word
29 "expenses," the words "the cost of acquisition,
30 construction, operation, and maintenance of the
31 approved race track location and its facilities."
32 10. Page 10, by striking lines 10 through 14.

BASS VAN GILST

S-5627

1 Amend Senate File 2295 as follows:

- 2 1. Page 5, line 32, by inserting after the word
3 "commission." the words "A person entering horses
4 in a race meeting shall pay a fee of ten dollars for
5 each horse foaled in Iowa entered in a race meeting

6 and a fee of twenty-five dollars for each horse not
 7 foaled in Iowa entered in a race meeting. The licensee
 8 shall collect fees due for horses entered in a race
 9 meeting and shall remit the fees collected to the
 10 treasurer of state each week in which horse-race
 11 meetings are held. Fees collected on horses entered
 12 in a race meeting shall be deposited in the general
 13 fund of the state."

EDGAR H. HOLDEN

S-5628

1 Amend Senate File 2295 as follows:
 2 1. Page 5, by striking lines 26 through 32 and
 3 inserting in lieu thereof the following: "were sold
 4 at the regular and usual admission rate. No other
 5 license tax, permit".

EDGAR H. HOLDEN

S-5629

1 Amend the amendment S-5602 to House File 2369
 2 as amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 1, line 8, by striking the word "five"
 5 and inserting in lieu thereof the word "six".
 6 2. Page 1, line 13, by striking the word "one"
 7 and inserting in lieu thereof the word "two".

C.W. BILL HUTCHINS

HOUSE AMENDMENT TO SENATE FILE 2178

S-5630

1 Amend Senate File 2178, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. Section 97A.1, subsections 9 and 10,
 6 Code 1981, are amended to read as follows:
 7 9. "Child" [or "children" shall mean] *means* only
 8 the surviving issue of a deceased active or retired
 9 member, or [the] *a* child [or children] legally adopted
 10 by a deceased member prior to [his] *the member's*
 11 retirement. "*Child*" *includes only an individual who*
 12 *is under the age of eighteen years, an individual*
 13 *who is under the age of twenty-two and is a full-time*
 14 *student, or an individual who is disabled under the*

15 *definitions used in section 402 of the Social Security*
16 *Act as amended if the disability occurred to the*
17 *individual during the time the individual was under*
18 *the age of eighteen years and the parent of the*
19 *individual was an active member of the system.*

20 10. "Earnable compensation" or "compensation
21 earnable" [shall mean] *means* the regular compensation
22 which a member would earn during one year on the basis
23 of the stated compensation for the member's rank or
24 position including compensation for longevity *and*
25 *the daily amount received for meals under section*
26 *80.8 and excluding any amount received for overtime*
27 *compensation or other special additional compensation,*
28 *[meal and] other payments for meal expenses, uniform*
29 *cleaning allowances, travel expenses, and uniform*
30 *allowances and excluding any amount received upon*
31 *termination or retirement in payment for accumulated*
32 *sick leave or vacation.*

33 Sec. 2. Section 97A.6, subsection 1, paragraph
34 b, Code 1981, is amended to read as follows:

35 b. Any member in service who has been a member
36 of the retirement system fifteen or more years and
37 whose employment is terminated prior to the member's
38 retirement, other than by death or disability, shall
39 upon attaining retirement age, receive a service
40 retirement allowance of fifteen twenty-seconds of
41 the retirement allowance the member would receive
42 at retirement if the member's employment had not been
43 terminated, and an additional one twenty-second of
44 such retirement allowance for each additional year
45 of service not exceeding twenty-two years of service.
46 The amount of the retirement allowance shall be [based
47 on] *calculated in the manner provided in this paragraph*
48 *using the average final compensation at the time of*
49 *termination of employment.*

50 Sec. 3. Section 97A.6, subsection 8, paragraphs

Page 2

1 b, d, e, and f, Code 1981, are amended to read as
2 follows:

3 b. If there [be] *is* no [such] nomination of
4 beneficiary, the benefits provided in paragraph "a"
5 of this subsection [8] shall be paid to the member's
6 estate; or in lieu thereof, at the option of the
7 following beneficiaries, respectively, even though
8 nominated as [such] *beneficiaries*, for a member in
9 service [there shall be paid] *at the time of death a*
10 *pension [which] shall be paid equal to one-fourth of*

11 the average final compensation of [such] *the* member,
12 but in no instance less than fifty dollars per month
13 or for a member not in service *at the time of death*
14 the pension shall be reduced as provided in subsection
15 1, paragraph “[c] *b*”, of this section and shall be paid
16 commencing when the member would have attained the
17 age of fifty-five except if there is a child of the
18 member [under the age of eighteen, or under the age
19 of twenty-two who is a full-time student, or who is
20 disabled, under the definitions used in section 402
21 of the Social Security Act as amended to July 1, 1978
22 (42 U.S.C. 402), the pension shall be paid commencing
23 with the member’s death until the children reach the
24 age of eighteen, or twenty-two if applicable, and
25 shall resume commencing when the member would have
26 attained the age of fifty-five;

27 d. If there [be] *is* no surviving spouse, or if the
28 spouse dies or remarries [before any child of such
29 deceased member shall have attained the age of eighteen
30 years] *and there is a child of a member*, then to the
31 guardian of the member’s child or children [under said
32 age], divided [in such manner] as the board of trustees
33 [in its discretion shall determine] *determines*, to
34 continue as a joint and survivor pension until every
35 [such] *child of the member* dies or attains the age of
36 eighteen *or twenty-two if applicable*; or

37 e. If there [be] *is* no surviving spouse or child
38 [under age eighteen], then to the member’s dependent
39 father or mother *or both*, as the board of trustees
40 [in its discretion shall determine] *determines*, to
41 continue until remarriage or death.

42 f. In addition to the benefits [herein] enumerated
43 *in this subsection*, there shall also be paid for each
44 child of a member [under the age of eighteen years]
45 a monthly pension equal to six percent of the monthly
46 earnable compensation payable to an active member
47 having the rank of senior patrolman of the Iowa highway
48 safety patrol.

49 For the purpose of this chapter, a senior patrolman
50 is a man or woman who has completed ten years of

Page 3

1 service in the Iowa highway safety patrol.

2 Sec. 4. Section 97A.6, subsection 9, paragraphs
3 b and c, Code 1981, are amended to read as follows:

4 b. If there [be] *is* no surviving spouse, [children
5 under the age of eighteen years] *child*, or dependent
6 parent surviving [such] *a* deceased member, the death

7 shall be treated as an ordinary death case and the
8 benefit payable [in accordance with the provisions
9 of] *under* subsection 8, paragraph "a" of this section,
10 in lieu of the pension provided in paragraph "a" of
11 this subsection [9], shall be paid to the member's
12 estate.

13 c. In addition to the benefits for the surviving
14 spouse [herein] enumerated *in this subsection*, there
15 shall also be paid for each [dependent] child of a
16 member [under the age of eighteen years] a monthly
17 pension equal to six percent of the monthly earnable
18 compensation payable to an active member having the
19 rank of senior patrolman of the Iowa highway safety
20 patrol.

21 Sec. 5. Section 97A.6, subsection 12, paragraph
22 b, Code 1981, is amended to read as follows:

23 b. [In the event of the death of] *If* the spouse
24 *dies* either prior or subsequent to the death of the
25 member, to the guardian of each surviving child [under
26 eighteen years of age], a monthly pension equal to
27 the monthly pension payable under subsection 9,
28 paragraph "c," of this section for the support of
29 [such] *the* child.

30 Sec. 6. Section 97B.7, subsection 2, paragraph
31 b, subparagraphs (3), (4), and (5), Code 1981, are
32 amended by striking the subparagraphs, inserting in
33 lieu thereof the following subparagraph, and
34 renumbering the remaining subparagraphs:

35 (3) That the common stock or shares issued by
36 solvent corporations or institutions are eligible
37 for investment if the stock or shares are listed or
38 admitted to trading on a securities exchange located
39 in the United States or are publicly held and have
40 been traded in the "over-the-counter" market and
41 market quotations are readily available.

42 (4) That, where prudent, investments made under
43 this paragraph shall be made in a manner that will
44 enhance the economy of this state, and in particular,
45 will result in increased employment of the residents
46 of this state.

47 Sec. 7. Section 97B.8, Code 1981, is amended to
48 read as follows:

49 97B.8 ADVISORY INVESTMENT BOARD. A board [shall
50 be] *is* established to be known as the "Advisory

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1 Investment Board of the Iowa Public Employees'
2 Retirement System", hereinafter called the "board",

3 whose duties [shall be] *are* to advise and confer with
4 the department in matters relating to the investment
5 of the trust funds of the Iowa public employees'
6 retirement system. The powers of the board [shall
7 be purely] *are* advisory and the department [shall] *is*
8 not [be] bound in the making of [any] *an* investment by
9 the recommendations of the board.

10 *PARAGRAPH DIVIDED.* The board shall consist of
11 seven members. Five of the members shall be appointed
12 by the governor, one of whom shall be an executive
13 of a domestic life insurance company, one an executive
14 of a state or national bank operating within the state
15 of Iowa, one an executive of a major industrial
16 corporation located within the state of Iowa, and
17 two shall be active members of the system, one of
18 whom shall be an employee of a school district, [county
19 school system, joint county system] *area education*
20 *agency*, or merged area and one of whom shall not be
21 an employee of a school district, [county school system,
22 joint county system] *area education agency*, or merged
23 area. The president of the senate shall appoint one
24 member from the membership of the senate and the
25 speaker of the house of representatives shall appoint
26 one member from the membership of the house. The
27 two members appointed by the president of the senate
28 and the speaker of the house of representatives and
29 the two active members of the system appointed by
30 the governor [shall be] *are ex officio members of the*
31 *board.*

32 *PARAGRAPH DIVIDED.* The members who are executives
33 of a domestic life insurance company, a state or
34 national bank and a major industrial corporation shall
35 be paid their actual expenses incurred in performance
36 of their duties and shall receive in addition the
37 sum of forty dollars for each day of service not
38 exceeding forty days per year. Legislative members
39 shall receive the sum of forty dollars for each day
40 of service and their actual expenses incurred in the
41 performance of their duties. The per diem and expenses
42 of the legislative members shall be paid from funds
43 appropriated under section 2.12. The members who
44 are active members of the system shall be paid their
45 actual expenses incurred in the performance of their
46 duties as members of the board and performance of
47 their duties as members of the board shall not affect
48 their salaries, vacation or leaves of absence for
49 sickness or injury. The appointive terms of the
50 members appointed by the governor [shall be] *are* for

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1 a period of six years beginning and ending as provided
2 in section 69.19. [In the event of] *If there is a*
3 vacancy[, through resignation or any other cause.] in
4 the membership of the board, the governor [shall have]
5 *has* the power of appointment. Appointees to this
6 board [shall be] *are* subject to confirmation by the
7 senate.

8 Sec. 8. Section 97B.41, subsection 1, paragraph
9 a, unnumbered paragraph 1, Code 1981, is amended to
10 read as follows:

11 "Wages" means all remuneration for employment,
12 including the cash value of remuneration paid in [any]
13 a medium other than cash, but not including the cash
14 value of remuneration paid in [any] a medium other than
15 cash necessitated by the convenience of the employer[.]
16 such. *The amount [as] agreed upon by the employer and*
17 *employee [and] for remuneration paid in a medium other*
18 *than cash shall be reported to the department by the*
19 *employer [shall be] and is conclusive of the value of*
20 *the remuneration [in a medium other than cash; except*
21 *that. However, remuneration which does not equal*
22 *or exceed the sum of three hundred dollars in [any]*
23 *a calendar quarter shall be excluded. "Wages" does*
24 *not include special lump sum payments made as payment*
25 *for sick leave or accrued vacation or payments made*
26 *as an incentive for early retirement. Wages for an*
27 *elected official means the salary received by an*
28 *elected official, exclusive of expense and travel*
29 *allowances.*

30 Sec. 9. Section 97B.41, subsection 1, paragraph
31 b, subparagraph (6), Code 1981, is amended to read
32 as follows:

33 (6) If a member is employed by more than one
34 employer during a calendar year, the total amount
35 of wages paid to [him] *the member* by [his] *the several*
36 employers shall be included in determining the
37 limitation on covered wages as provided [by] *in this*
38 paragraph ["b", subparagraph (3), of this section].
39 If the amount of wages paid to a member by [his] *the*
40 *member's several employers during a calendar year*
41 *exceeds the covered wage limit, the amount of such*
42 *excess shall not be subject to the contributions*
43 *required by section 97B.11.*

44 Sec. 10. Section 97B.41, subsection 20, Code 1981,
45 is amended by striking the subsection and inserting
46 in lieu thereof the following:

47 20. "Five-year average covered wage" means a

48 member's covered wages averaged for the highest five
49 years of the member's service. If the member has
50 less than five years of service, then the average

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1 shall be computed using the actual number of years
2 as a member. The highest five years of a member's
3 covered wages shall be determined using calendar
4 years. However, if a member's final quarter of a
5 year of employment does not occur at the end of a
6 calendar year, the department may determine the wages
7 for the fifth year by combining the wages from the
8 highest quarter or quarters of a year not being used
9 in the selection of the four highest years with the
10 final quarter or quarters of the member's service
11 to create a full year. If the five-year average covered
12 wage of a member exceeds the highest maximum covered
13 wages in effect for a calendar year during the member's
14 period of service, the five-year average covered wage
15 of the member shall be reduced to the highest maximum
16 covered wages in effect during the member's period
17 of service.

18 Sec. 11. Section 97B.41, Code 1981, is amended
19 by adding the following new subsection:

20 *NEW SUBSECTION. ATTAINMENT OF AGE.* A member
21 attains any given age on the day before the anniversary
22 of the member's birth.

23 Sec. 12. Section 97B.48, subsection 3, Code 1981,
24 is amended to read as follows:

25 3. If [at any time] after the first day of the month
26 in which the member attains the age of fifty-five
27 years and until the member's sixty-fifth birthday,
28 a member who is retired under this chapter is in
29 regular full-time employment, the member's retirement
30 allowance shall be suspended for as long as the member
31 remains in employment. However, employment shall
32 not be regarded as full-time employment until the
33 member receives remuneration in an amount in excess
34 of two thousand one hundred dollars for [any] a calendar
35 year. Effective the first of the month in which a
36 member attains the age of sixty-five years, a retired
37 member [shall be entitled to] *may* receive a retirement
38 allowance after return to covered employment regardless
39 of the amount of remuneration received. As of the
40 first of the month in which the member attains the
41 age of seventy years, the member [shall be entitled
42 to] *may* receive a retirement allowance determined under
43 section 97B.49, regardless of the amount of

44 remuneration received. Upon [any] a retirement after
45 re-employment, a retired member [shall be entitled
46 to] *may* have [his or her] *the retired member's* retirement
47 allowance redetermined under this section or section
48 97B.49 or 97B.50, whichever is applicable, based upon
49 the [employee's and employer's additional contributions,
50 and any] *addition of credit for the years of membership*

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1 service of the employee after re-employment.

2 Sec. 13. Section 97B.49, subsection 5, unnumbered
3 paragraph 1, Code 1981, is amended to read as follows:

4 For each active member retiring [on or after] *between*
5 January 1, 1976 and June 30, 1982, with four or more
6 complete years of service, a monthly benefit shall
7 be computed which is equal to one-twelfth of an amount
8 equal to forty-seven percent of the five-year average
9 covered wage multiplied by a fraction of years of
10 service. *For each member retiring on or after July*
11 *1, 1982, with four or more complete years of service,*
12 *the percent used in computing the monthly benefit*
13 *is fifty.* For the purposes of this subsection,
14 "fraction of years of service" means a number, not
15 to exceed one, equal to the sum of the years of
16 membership service and the number of years of prior
17 service divided by thirty years.

18 Sec. 14. Section 97B.49, subsection 7, Code 1981,
19 is amended to read as follows:

20 7. Notwithstanding [the] *other* provisions of this
21 chapter, a member who is or has been employed as a
22 conservation peace officer under [the provisions of]
23 section 107.13 and who retires [on or after] *between*
24 July 1, 1978 and June 30, 1982 and at the time of
25 retirement is at least sixty years of age and has
26 completed at least twenty-five years of membership
27 service as a conservation peace officer, may elect
28 to receive, in lieu of the receipt of any benefits
29 under subsection 5 of this section, a monthly
30 retirement allowance equal to one-twelfth of forty-
31 seven percent of the member's five-year average covered
32 wage as a conservation peace officer [multiplied by
33 a fraction of years of service], with benefits payable
34 during the member's lifetime. *For each conservation*
35 *peace officer eligible for benefits under this*
36 *subsection who retires on or after July 1, 1982, the*
37 *percent used in computing the monthly retirement*
38 *allowance is fifty.* There is appropriated from the
39 general fund of the state to the Iowa department of

40 job service from funds not otherwise appropriated
41 an amount sufficient to pay eight and forty-three
42 hundredths percent of the covered wages of each
43 conservation peace officer, in addition to the
44 contribution paid by the employer under section 97B.11,
45 to finance increased benefits to conservation peace
46 officers under this subsection.

47 Sec. 15. Section 97B.49, subsection 8, paragraph
48 a, Code 1981, is amended to read as follows:

49 a. Notwithstanding [the] *other* provisions of this
50 chapter, a member who is or has been employed as a

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1 county sheriff, as defined in section 39.17, or as
2 a deputy sheriff appointed pursuant to [chapter 341]
3 *section 341.1, Code 1981, or section 331.903, Code*
4 *1981 Supplement*, and who retires [on or after] *between*
5 *January 1, 1978 and June 30, 1982* and at the time
6 of retirement is at least sixty years of age and has
7 completed at least twenty-five years of membership
8 service as a county sheriff or deputy sheriff, may
9 elect to receive, in lieu of the benefits under
10 subsection 5 of this section, a monthly retirement
11 allowance equal to one-twelfth of forty-seven percent
12 of the member's five-year average covered wage as
13 a sheriff or deputy sheriff [multiplied by a fraction
14 of years of service], with benefits payable during
15 the member's lifetime. *For each sheriff and deputy*
16 *sheriff eligible for benefits under this paragraph*
17 *who retires on or after July 1, 1982, the percent*
18 *used in computing the monthly retirement allowance*
19 *is fifty.*

20 Sec. 16. Section 97B.49, subsection 10, unnumbered
21 paragraph 1, Code 1981, is amended to read as follows:

22 Notwithstanding sections of this chapter relating
23 to eligibility for and determination of retirement
24 benefits, a vested member who is or has been employed
25 as a correctional officer by the department of social
26 services and who retires on or after July 1, 1983
27 and at the time of retirement is at least sixty years
28 of age and has completed at least thirty years of
29 membership service as a correctional officer, may
30 elect to receive, in lieu of the receipt of benefits
31 under subsection 5 of this section, a monthly
32 retirement allowance equal to one-twelfth of [forty-
33 seven] *fifty* percent of the member's five-year average
34 covered wages as a correctional officer [multiplied]
35 by a fraction of years of service], with benefits

36 payable during the member's lifetime.

37 Sec. 17. Section 97B.49, Code 1981, is amended
38 by adding the following new subsection:

39 *NEW SUBSECTION.* Effective beginning July 1, 1982,
40 for each member who retired from the system prior
41 to January 1, 1976, and for each member who retired
42 from the system on or after January 1, 1976 under
43 subsection 1 of this section, the amount of regular
44 monthly retirement allowance attributable to membership
45 service and prior service that was payable to the
46 member for June 1982 is increased as follows:

47 a. For the first ten years of service, fifty cents
48 per month for each complete year of service.

49 b. For the eleventh through the twentieth years
50 of service, one dollar per month for each complete

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1 year of service.

2 c. For the twenty-first through the thirtieth
3 years of service, one dollar and fifty cents per month
4 for each complete year of service.

5 d. The amount of monthly increase payable to a
6 member under this subsection is also payable to a
7 beneficiary and a contingent annuitant and shall be
8 reduced by an amount based upon the actuarial
9 equivalent of the option selected in section 97B.51
10 or section 97B.52 compared to the full monthly benefit
11 provided in this section.

12 Sec. 18. Section 97B.53, Code 1981, is amended
13 by adding the following new subsection:

14 *NEW SUBSECTION.* The department shall refund
15 employee and employer contributions on the covered
16 wages earned by a retired member that are not used
17 in the recomputation of monthly benefits of that
18 member.

19 Sec. 19. Section 97B.67, Code 1981, is amended
20 by adding the following new subsection:

21 *NEW SUBSECTION.* It is the intent of the general
22 assembly that the 70th General Assembly review whether
23 there is sufficient unobligated revenue in the general
24 fund of the state to appropriate funds to pay the
25 benefit increases provided in section 17 of this Act
26 from the general fund of the state, and if sufficient
27 revenue is available, the 70th General Assembly shall
28 appropriate the funds necessary.

29 Sec. 20. Section 97B.72, unnumbered paragraph
30 1, Code 1981, is amended to read as follows:

31 Persons who are members of the Sixty-eighth or

32 *Seventieth General Assembly or succeeding general*
33 *assemblies* who submit proof to the department of
34 membership in the general assembly during any period
35 beginning July 4, 1953 and ending January 8, 1979
36 may make contributions to the system for service equal
37 to the [accumulated] *employee* contributions [as defined
38 in section 97B.41, subsection 13,] which would have
39 been made, *plus the interest that would have accrued*
40 *on the contributions*, if the member of the general
41 assembly had been a member of the system during the
42 member's service in the general assembly. The proof
43 of membership in the general assembly and payment
44 of [accumulated] *employee* contributions *plus interest*
45 *for members of the Sixty-eighth and Seventieth General*
46 *Assemblies* shall be transmitted to the department
47 [not later than] *between January 10, 1983 and December*
48 *31, [1979] 1983. [Persons] Members of the Sixty-eighth*
49 *and Seventieth General Assemblies* eligible to receive
50 retirement allowances under this section [shall be]

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1 *are* eligible to commence receiving retirement
2 allowances on January [8, 1979] *10, 1983 or upon payment*
3 *of employee contributions plus interest, whichever*
4 *is later.*

5 *Members of the Seventy-first General Assembly and*
6 *succeeding general assemblies shall transmit proof*
7 *of membership and payment of employee contributions*
8 *plus interest to the department during the first year*
9 *of a general assembly and be eligible to commence*
10 *receiving retirement allowances on January 1 of that*
11 *year or upon payment, whichever is later.*

12 Sec. 21. Section 97B.75, Code 1981, is amended
13 to read as follows:

14 97B.75 PRIOR SERVICE CREDIT BEFORE JANUARY 1,
15 1946. An active, vested, or retired member who was
16 employed prior to January 1, 1946 by [the state or
17 a political subdivision, except for a member employed
18 by a school district which had established a pension
19 and annuity retirement system under sections 294.8,
20 294.9, and 294.10, and was not employed by the state
21 or a political subdivision between January 1, 1946
22 and July 4, 1953,] *an employer* may file written
23 verification of the member's dates of employment with
24 the department of job service and receive credit for
25 years of prior service for the period of employment.
26 *However, a member who is eligible for or receiving*
27 *a retirement allowance based upon employment with*

28 *an employer prior to January 1, 1946 is not eligible*
29 *for credit for that period of employment.*

30 Sec. 22. Section 411.1, subsection 11, Code 1981,
31 is amended to read as follows:

32 11. "Child" [or "children" shall mean] *means only*
33 *surviving issue of a deceased active or retired member,*
34 *or [the] a child [or children] legally adopted by a*
35 *deceased member prior to [his] the member's retirement.*
36 *"Child" includes only an individual who is under the*
37 *age of eighteen years, an individual who is under*
38 *the age of twenty-two years and is a full-time student,*
39 *or an individual who is disabled at the time under*
40 *the definitions used in section 402 of the Social*
41 *Security Act as amended if the disability occurred*
42 *to the individual during the time the individual was*
43 *under the age of eighteen years and the parent of*
44 *the individual was an active member of the system.*

45 Sec. 23. Section 411.5, subsection 1, paragraphs
46 a and b, Code 1981, are amended to read as follows:

47 a. The chief officer of the fire department, the
48 city treasurer, [the city solicitor or attorney,] two
49 [firemen] *fire fighters* elected by secret ballot by
50 the members of [said] *the* department who are entitled

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1 to participate in a [firemen's pension fund] *fire*
2 *retirement system* established by law, and [two] *three*
3 citizens who do not hold [any other] *another* public
4 office, who shall be appointed by the mayor with the
5 approval of the city council, shall [constitute] *serve*
6 *as* the members of the board of trustees of the fire
7 retirement system.

8 b. The chief officer of the police department,
9 the city treasurer, [the city solicitor or attorney,]
10 two [policemen] *police officers* elected by secret ballot
11 by the members of [said] *the* department who are entitled
12 to participate in a [policemen's pension fund] *police*
13 *retirement system* established by law, and [two] *three*
14 citizens who do not hold [any other] *another* public
15 office, who shall be appointed by the mayor with the
16 approval of the city council, shall [constitute] *serve*
17 *as* the members of the board of trustees of the police
18 retirement system.

19 Sec. 24. Section 411.5, subsection 8, Code 1981,
20 is amended to read as follows:

21 8. LEGAL ADVISER. The city attorney or solicitor
22 of the [said] cities shall [be] *serve as* the legal adviser
23 of the boards of trustees *at the request of the boards.*

24 Sec. 25. Section 411.6, subsection 1, paragraph
25 a, Code 1981, is amended to read as follows:

26 a. Any member in service may retire upon [his]
27 written application to the board of police or fire
28 trustees as the case may be, setting forth at what
29 time, not less than thirty nor more than ninety days
30 subsequent to the execution and filing [therefor, he]
31 *of the application, the member* desires to be retired[,]
32 provided, that. *However*, the [said] member at the time
33 [so] specified for [his] retirement shall have attained
34 the age of fifty-five and shall have served twenty-
35 two years or more [in said department], and
36 notwithstanding that, during [such] *the* period of
37 notification, [he] *the member* may have separated from
38 the service.

39 Sec. 26. Section 411.6, subsection 1, paragraph
40 b, Code 1981, is amended to read as follows:

41 b. Any member in service who has been a member
42 of the retirement system fifteen or more years and
43 whose employment is terminated prior to the member's
44 retirement, other than by death or disability, shall
45 upon attaining retirement age, receive a service
46 retirement allowance of fifteen twenty-seconds of
47 the retirement allowance the member would receive
48 at retirement if [his or her] *the member's* employment
49 had not been terminated, and an additional one twenty-
50 second of such retirement allowance for each additional

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1 year of service not exceeding twenty-two years of
2 service. The amount of the retirement allowance shall
3 be [based on] *calculated in the manner provided in this*
4 *paragraph using* the average final compensation at
5 the time of termination of employment.

6 Sec. 27. Section 411.6, subsection 7, paragraph
7 a, unnumbered paragraph 2, Code 1981, is amended to
8 read as follows:

9 A beneficiary retired under [the provisions of] this
10 paragraph *who is less than fifty-five years of age*,
11 in order to be eligible for continued receipt of
12 retirement benefits, shall no later than May 15 of
13 each year submit to the board of trustees a copy of
14 his or her state income tax return for the preceding
15 year.

16 Sec. 28. Section 411.6, subsection 8, paragraphs
17 b, d, and e, Code 1981, are amended to read as follows:

18 b. If there [be] *is* no [such] nomination of
19 beneficiary, the benefits provided in paragraph "a"

20 shall be paid to the member's estate; or in lieu
21 thereof, at the option of the following beneficiaries,
22 respectively, even though nominated as [such]
23 beneficiaries, for a member in service, [there shall
24 be paid] *at the time of death* a pension [which] shall
25 be *paid* equal to one-fourth of the average final
26 compensation of [such] *the* member, but in no instance
27 less than seventy-five dollars. [In addition to the
28 benefits herein enumerated, there] *There* shall also
29 be paid for each child of a member [under the age of
30 eighteen years] a monthly pension equal to six percent
31 of the monthly earnable compensation paid to an active
32 member holding the highest grade in the rank of fire
33 fighter, for a child of a deceased member of a fire
34 department, or the highest grade in the rank of police
35 patrol officer, for a child of a deceased member of
36 a police department, or for a member not in service
37 the pension shall be reduced as provided in subsection
38 1, paragraph "[c] b," of this section and shall be paid
39 commencing when the member would have attained the
40 age of fifty-five except *that* if there is a child
41 of the member [under the age of eighteen, or under
42 the age of twenty-two who is a full-time student,
43 or who is disabled, under the definitions used in
44 section 402 of the Social Security Act as amended
45 to July 1, 1978 42 U.S.C. 402], the pension shall be
46 paid commencing with the member's death until the
47 children reach the age of eighteen, or twenty-two
48 if applicable. The pension shall resume commencing
49 when the member would have attained the age of fifty-
50 five;

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1 d. If there [be] *is* no spouse, or if the spouse
2 dies or remarries [before any child of such deceased
3 member shall have attained the age of eighteen years]
4 *and there is a child of a member*, then to the guardian
5 of [his or her] *the member's* child or children [under
6 said age], divided [in such manner] as the board of
7 trustees [in its discretion shall determine] *determines*,
8 to continue as a joint and survivor pension until
9 every [such] child *of the member* dies or attains the
10 age of eighteen *or twenty-two if applicable*; or
11 e. If there [be] *is* no surviving spouse or child
12 [under age eighteen], then to [his or her] *the member's*
13 dependent father or mother or both, as the board of
14 trustees [in its discretion shall determine] *determines*,
15 to continue until remarriage or death.

16 Sec. 29. Section 411.6, subsection 9, paragraphs
17 a and b, Code 1981, are amended to read as follows:

18 a. A pension equal to one-half of the average
19 final compensation of [such] *the* member shall be paid
20 to the member's spouse, children or dependent parents
21 as provided in paragraphs "c", "d" and "e" of
22 subsection 8 of this section. [In addition to the
23 benefits for the spouse herein enumerated, there] *There*
24 shall also be paid for each [dependent] child of a
25 member [under the age of eighteen years] a monthly
26 pension equal to six percent of the monthly earnable
27 compensation paid to an active member holding the
28 highest grade in the rank of fire fighter, for a child
29 of a deceased member of a fire department, or holding
30 the highest grade in the rank of police patrol officer,
31 for a child of a deceased member of a police
32 department.

33 b. If there [be] *is* no spouse, [children under the
34 age of eighteen years] *child*, or dependent parent
35 surviving [such] a deceased member, the death shall
36 be treated as an ordinary death case and the benefit
37 payable [in accordance with the provisions of] *under*
38 subsection 8, paragraph "a", in lieu of the pension
39 provided in paragraph "a" of this subsection [9], shall
40 be paid to the member's estate.

41 Sec. 30. Section 411.6, subsection 11, paragraph
42 b, Code 1981, is amended to read as follows:

43 b. [In the event of the death of] *If* the spouse
44 *dies* either prior or subsequent to the death of the
45 member, to the guardian of each surviving child [under
46 eighteen years of age], a monthly pension equal to
47 the monthly pension payable under subsection 9 of
48 this section for the support of [such] *the* child.

49 Sec. 31. Section 411.7, subsection 2, Code 1981,
50 is amended by striking the subsection and inserting

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1 in lieu thereof the following:

2 2. The city treasurer may invest at the direction
3 of the respective boards of trustees a portion of
4 the funds established in section 411.8 which in the
5 judgment of the respective boards are not needed for
6 current payment of benefits under this chapter in
7 investments authorized in section 97B.7, subsection
8 2, paragraph b, for moneys in the Iowa public em-
9 ployees' retirement fund.

10 Sec. 32. Section 411.11, Code 1981, is amended
11 to read as follows:

12 411.11 CONTRIBUTIONS BY THE CITY. On or before
13 January 1 of each year the respective boards of
14 trustees shall certify to the superintendent of public
15 safety the amounts which will become due and payable
16 during the year next following to the pension
17 accumulation fund and the expense fund. The amounts
18 so certified shall be included by the superintendent
19 of public safety in [his] *the* annual budget estimate.
20 The amounts so certified shall be appropriated by
21 the [said] *respective* cities and transferred to the
22 retirement system for the ensuing year. [Said] *The*
23 cities shall annually levy a tax sufficient in amount
24 to cover [such] *the* appropriations.

25 *However, the amounts due and payable for a*
26 *retirement system during its first year, or portion*
27 *of a year, of operation shall be determined using*
28 *the rates of contribution adopted by the board of*
29 *trustees.*

30 Sec. 33. Section 411.19, Code 1981, is amended
31 to read as follows:

32 411.19 TRANSFER OF BENEFITS TO ANOTHER CITY.

33 A member of a retirement system established in this
34 chapter who terminates employment with a city and
35 is subsequently employed by another city and is
36 eligible for coverage under this chapter, *or who*
37 *transfers in the same city from one retirement system*
38 *under this chapter to another retirement system under*
39 *this chapter, may transfer membership service earned*
40 *under the first system to the system under which the*
41 *member is employed. Upon the written request of the*
42 *member with verification by the board of trustees*
43 *of the system under which the member is employed,*
44 *the board of trustees of the first system shall*
45 *transmit to the board of trustees of the system under*
46 *which the member is employed, within thirty days of*
47 *the receipt of the request, the member's accumulated*
48 *contributions [to be deposited in the annuity savings*
49 *fund of the system under which the member is employed]*
50 *and the actuarial equivalent of the amount in the*

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1 pension accumulation fund which would be necessary
2 to fund a pension equal to one twenty-second times
3 the number of years of membership service completed,
4 under the first system, to be deposited in the pension
5 accumulation fund of the system under which the member
6 is employed.

7 Sec. 34. Section 411.20, Code 1981, is amended

8 to read as follows:

9 411.20 APPROPRIATION TO MUNICIPAL ASSISTANCE FUND.

10 1. There is appropriated from the general fund
11 of the state to the municipal assistance fund
12 established in chapter 405 for each fiscal year an
13 amount necessary to be distributed to cities which
14 have established fire and police retirement systems
15 under the provisions of this chapter. Funds shall
16 be used to finance the costs of benefits provided
17 in this chapter by amendments of the Acts of the
18 Sixty-sixth General Assembly, chapter 1089.
19 2. Commencing with the fiscal year beginning July
20 1, 1979 for retirement systems in existence on June
21 30, 1978, the amounts distributed [to each eligible
22 city] to pay the state's portion of the costs of benefit
23 improvements provided by the Sixty-sixth General
24 Assembly, chapter 1089 shall be computed by the actuary
25 employed by the respective board of trustees on the
26 basis of the results of actuarial [studies] valuations
27 performed by [such] the actuary for the fiscal years
28 beginning July 1, 1978 and July 1, 1979 as provided
29 in this section.

30 Prior to December 31, 1979 the actuary employed
31 by the respective board of trustees shall perform
32 the actuarial valuations of the system which are
33 needed to determine the state's portion of the cost
34 of the benefit improvements provided by the Acts of
35 the Sixty-sixth General Assembly, chapter 1089, for
36 the fiscal year commencing July 1, 1979, under this
37 section as this section was effective on June 30,
38 1978. In addition, the actuary shall perform the
39 actuarial valuations of the system which would have
40 been needed to determine the state's portion of the
41 cost of the benefit improvements under this section
42 as this section was effective on June 30, 1978, for
43 the fiscal year commencing July 1, 1978.

44 On the basis of the results of the actuarial
45 valuations described above, each actuary employed
46 by a board of trustees shall determine a ratio of
47 the payroll which is determined by dividing the total
48 of the state's portion of the cost of said benefit
49 improvements as determined by the actuarial valuations
50 described for the two fiscal years by the total payroll

Page 16 .

- 1 of the members of the system for the two fiscal years.
- 2 The actuary shall certify the ratio so determined .
- 3 to the state comptroller.

4 For the fiscal year commencing July 1, 1979 and
 5 each fiscal year thereafter, the state comptroller
 6 shall pay to each city an amount equal to the ratio
 7 of payroll computed for a [city] *retirement system* times
 8 the payroll of the active members employed under that
 9 system [by that city] for the fiscal year.

10 *3. For retirement systems established on or after*
 11 *July 1, 1978, the amounts distributed to cities shall*
 12 *be computed in the manner provided in subsections*
 13 *1 and 2 by the actuary employed by the respective*
 14 *board of trustees on the basis of results of actuarial*
 15 *valuations performed by the actuary for the first*
 16 *fiscal year, or portion of a fiscal year, and the*
 17 *second fiscal year for which this chapter applies.*
 18 *The results of the actuarial valuations for the first*
 19 *fiscal year, or portion of a fiscal year, for which*
 20 *this chapter applies, shall determine the state's*
 21 *portion of the costs for that fiscal year, or portion*
 22 *of a fiscal year. The results of the actuarial*
 23 *valuations for the first two fiscal years, or for*
 24 *a portion of the first fiscal year and all of the*
 25 *second fiscal year shall determine the state's portion*
 26 *of the costs for the second and later fiscal years.*
 27 *Payment shall be made based upon the ratio of payroll*
 28 *determined in the manner provided in subsection 2."*

29 Sec. 35. Section 12 of this Act applies only to
 30 persons who retire from the system on or after the
 31 effective date of this Act.

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 2363

S-5631

1 Amend the Senate amendment H-5833 to House File
 2 2363 as amended, passed and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking line 11 and inserting in
 5 lieu thereof the words "planters used for reduced
 6 tillage or no-till planting of row".

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 2442

S-5632

1 Amend amendment H-5801, the Senate amendment to
 2 House File 2442, as follows:

3 1. Page 1, by striking lines 12 through 15 and

- 4 inseting in lieu thereof the following:
 5 "h. The geographic proximity of the parents."

S-5633

- 1 Amend the amendment S-5617 to House File 764 as
 2 amended, passed and reprinted by the House as follows:
 3 1. Page 1, by inserting after line 2, the following:
 4 "1. Page 1, line 15, by striking the word "is"
 5 and inserting in lieu thereof the words "may be"."
 6 2. Page 1, line 9, by inserting after the word
 7 "paragraph." the words "*An abutting property owner who*
 8 *incurs liability under this subsection may seek*
 9 *indemnification from a tenant, lessee, or other lawful*
 10 *occupant of the property or if the property is vacant*
 11 *or unoccupied, from an independent contractor to whom*
 12 *the responsibility for removal of the snow, ice, and*
 13 *accumulation was contracted.*"

LUCAS J. DE KOSTER

S-5634

- 1 Amend the House amendment S-5606 to Senate File
 2 2221 as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, line 7, by inserting after the word
 5 "department" the words "or commonly recognized as
 6 weeds in this state".
 7 2. Page 1, by inserting after line 47 the
 8 following:
 9 "5. Page 6, by striking lines 27 through 29, and
 10 inserting in lieu thereof the following:
 11 "e. Percentage by weight of inert matter."
 12 6. Page 6, line 31, by striking the words "one-
 13 half of".
 14 7. Page 7, lines 19 and 20, by striking the words
 15 "sale.
 16 d. The" and inserting in lieu thereof the words
 17 "sale or the."
 18 3. Page 2, by inserting after line 3 the following:
 19 "____ By relettering paragraphs as required by
 20 this amendment."

ARNE WALDSTEIN

S-5635

- 1 Amend House File 2369 as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 22 the
4 following:
5 "9. When a defendant is convicted of a third or
6 subsequent violation of this section the court shall
7 order under section 321.560 that the defendant shall
8 be ineligible for a period of six years to be issued
9 a license or permit to operate a motor vehicle under
10 this chapter. Upon the issuance of the order, the
11 court shall notify the department which shall revoke
12 any license or permit to operate a motor vehicle held
13 by the defendant. Not sooner than two years after
14 the issuance of the order, the defendant may petition
15 the court to restore the defendant's eligibility for
16 a license or permit to operate a motor vehicle. Upon
17 a satisfactory showing to the court that the defendant
18 has completed a program of treatment and that recovery
19 from the defendant's chronic dependency upon and abuse
20 of alcohol or drugs has occurred and will continue,
21 the court may restore the defendant's eligibility
22 and shall notify the department of the restoration."

C.W. BILL HUTCHINS
ALVIN V. MILLER
JOE BROWN

HOUSE AMENDMENT TO SENATE FILE 2218

S-5636

1 Amend Senate File 2218 as amended, passed and
2 reprinted as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. *NEW SECTION. LEGISLATIVE POLICY AND*
6 *PURPOSE.* It is the intent of the general assembly
7 and the policy of this state to provide for the orderly
8 use and development of land and related natural
9 resources in Iowa for residential, commercial,
10 industrial, and recreational purposes. This
11 development shall be implemented according to
12 comprehensive land preservation and use plans
13 promulgated by the county land preservation and use
14 commission in each county of this state, and enforced
15 by the adoption of the plans by the county board of
16 supervisors as the county comprehensive zoning
17 ordinance.
18 It is the policy of this state that the
19 comprehensive land preservation and use plans and
20 zoning ordinances adopted in each county shall act
21 to preserve the availability and productivity of

22 agricultural land, to protect the soil from wind and
 23 water erosion, to protect natural and historic re-
 24 sources and fragile ecosystems of this state to include
 25 forests, wetlands, rivers, streams, and lakes and
 26 their shorelines, aquifers, prairies, and recreational
 27 areas, to preserve private property rights, to promote
 28 the efficient use and conservation of energy resources,
 29 and to promote the creation and maintenance of wildlife
 30 habitat.

31 This legislative policy shall be in addition to
 32 the objectives stated in sections 358A.5 and 414.3.
 33 County zoning commissions established under section
 34 358A.8 shall be abolished on December 31, 1982.
 35 Members of the county zoning commissions are eligible
 36 for appointment to the county land preservation and
 37 use commission if they meet the requirements of section
 38 2 of this Act.

39 Sec. 2. *NEW SECTION. COUNTY LAND PRESERVATION*
 40 *AND USE COMMISSIONS ESTABLISHED.*

41 1. There is established in each county a county
 42 land preservation and use commission which shall be
 43 composed of the following members:

44 a. One member appointed by and from the county
 45 agricultural extension council.

46 b. Two members appointed by the district soil
 47 conservation commissioners, one of whom must be a
 48 member of the district soil conservation commission
 49 and one must be a person who is not a commissioner,
 50 but is actively operating a farm in the county.

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1 c. One member appointed by the board of supervisors
 2 from the residents of the county who may be a member
 3 of the board.

4 d. One member appointed by and from a convention
 5 of the mayors and councilpersons of the cities of
 6 the county. If a participating city contains fifty
 7 percent or more of the total population of the
 8 participating cities, that city may appoint the member
 9 appointed under this paragraph.

10 However, if a city contains more than fifty percent
 11 of the population of a county which has a population
 12 exceeding fifty thousand persons, that city shall
 13 not participate in the convention of mayors and
 14 councilpersons and the members appointed under
 15 paragraph d shall be one member appointed by and from
 16 the mayor and councilpersons of that city and one
 17 member appointed by and from the convention of mayors

18 and councilpersons and the member appointed under
 19 paragraph c shall be a resident of the county engaged
 20 in actual farming operations appointed by the board
 21 of supervisors.

22 2. The county commission shall meet and organize
 23 by the election of a chairperson and vice chairperson
 24 from among its members. A majority of the members
 25 of the county commission constitutes a quorum.
 26 Concurrence of a quorum is required to determine any
 27 matter relating to its official duties.

28 3. The state agricultural extension service shall
 29 assist county commissions with technical,
 30 informational, and clerical assistance.

31 4. A vacancy in the county commission shall be
 32 filled in the same manner as the appointment of the
 33 member whose position is vacant. The term of a county
 34 commissioner is four years. However, in the initial
 35 appointments to the county commission, the members
 36 appointed under paragraphs a and b of subsection 1
 37 shall be appointed to terms of two years. Members
 38 may be appointed to succeed themselves.

39 Sec. 3. *NEW SECTION. COUNTY LAND USE INVENTORY.*

40 Each county land preservation and use commission shall
 41 compile a county land use inventory using the
 42 information compiled under Acts of the Sixty-seventh
 43 General Assembly, 1977 Session, chapter 53, and other
 44 pertinent land use information available from county
 45 or state agencies. The state department of agri-
 46 culture, office of planning and programming, department
 47 of soil conservation, state conservation commission,
 48 Iowa natural resources council, department of
 49 environmental quality, geological survey, state
 50 agricultural extension service, and the Iowa

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1 development commission shall provide to each county
 2 land preservation and use commission any pertinent
 3 land use information available to assist in the
 4 compiling of the county land use inventories.

5 Sec. 4. *NEW SECTION. COMPREHENSIVE COUNTY LAND*

6 *PRESERVATION AND USE PLAN.* Each county land
 7 preservation and use commission shall create a primary
 8 comprehensive county land preservation and use plan
 9 by September 1, 1984. The primary plan shall be
 10 published in at least one newspaper of general
 11 circulation within the county to ensure broad public
 12 awareness of its contents, and shall include a
 13 comprehensive county map showing the effects of the
 14 proposed primary plan. The publication shall also
 15 include the date, time, and place for at least three
 16 public hearings on the primary plan to be held in
 17 various locations in the county by the county land

18 preservation and use commission during the month of
19 September, 1984. A final comprehensive county land
20 preservation plan shall be completed and adopted by
21 the county land preservation and use commission no
22 later than December 31, 1984, and the plan shall be
23 submitted to the county board of supervisors during
24 the first official meeting of the county board in
25 January of 1985.

26 Sec. 5. *NEW SECTION. IMPLEMENTATION OF*
27 *COMPREHENSIVE COUNTY LAND PRESERVATION AND USE PLAN.*

28 The county boards of supervisors shall adopt a
29 comprehensive county zoning ordinance to implement
30 the final comprehensive county land preservation and
31 use plan no later than July 1, 1985. The county board
32 of supervisors may amend the final comprehensive plan
33 only upon the approval of a majority of the members
34 of the county land preservation and use commission.
35 A variance to the comprehensive county zoning ordinance
36 adopted under this section shall be effective only
37 upon the approval of a majority of the members of
38 the county land preservation and use commission and
39 of the county board of supervisors.

40 Sec. 6. *NEW SECTION. SCHEDULE OF PROCEDURES.*

- 41 1. The county land preservation and use commissions
42 shall be appointed and be organized by December 31,
43 1982.
- 44 2. The county land preservation and use commissions
45 shall compile the county land use inventory by July
46 1, 1983.
- 47 3. The county land preservation and use commission
48 shall complete a primary comprehensive land
49 preservation and use plan by September 1, 1984.
- 50 4. The county land preservation and use commission

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1 shall complete and adopt a final comprehensive land
2 preservation and use plan by December 31, 1984.

3 5. The county board of supervisors shall adopt
4 the final county land preservation and use plan as
5 the comprehensive county zoning ordinance by July
6 1, 1985.

7 Sec. 7. *NEW SECTION. AGRICULTURAL AREAS.* Owners
8 of agricultural land utilized for the production of
9 crops and livestock may submit a proposal to the
10 county land preservation and use commission for the
11 creation of an agricultural area within the county.
12 The proposal shall include a legal description and
13 the boundaries of the proposed area, and the area

14 shall be as compact and as nearly adjacent as feasible.
15 Land shall not be included in an agricultural area
16 without the written consent of the owner. Agricultural
17 areas shall not exist within the corporate limits
18 of a city. The county land preservation and use
19 commission may accept the proposal and include the
20 agricultural area in the comprehensive county land
21 preservation and use plan if the agricultural area
22 assists in the implementation of the policy established
23 in section 1 of this Act. An owner of agricultural
24 land may petition the county land preservation and
25 use commission for inclusion into or withdrawal from
26 an agricultural area after the final comprehensive
27 land preservation and use plan is adopted by the
28 county board of supervisors.

29 **Sec. 8. NEW SECTION. NUISANCE RESTRICTION. A**

30 farm operation located in an agricultural area shall
31 not be found to be a nuisance regardless of the
32 established date of operation or expansion of the
33 agricultural activities of the farm operation. The
34 subsection does not apply if the nuisance results
35 from the negligent operation of the farm. This section
36 does not apply to actions or proceedings arising from
37 injury or damage to person or property caused by the
38 farm operation before the creation of the agricultural
39 area or agricultural district. This subsection does
40 not affect or defeat the right of a person to recover
41 damages for injury or damage sustained by the person
42 because of the pollution or change in condition of
43 the waters of a stream, the overflowing of the person's
44 land, or excessive soil erosion onto another person's
45 land.

46 **Sec. 9. NEW SECTION. WATER USE PRIORITY. In**

47 the application for a permit to divert, store, or
48 withdraw water and in the allocation of available
49 water resources under a water permit system, the Iowa
50 natural resources council shall give priority to the

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1 use of water resources by farm operations, exclusive
2 of irrigation, located in an agricultural area over
3 all other uses except the competing uses of water
4 for ordinary household purposes.

5 **Sec. 10. NEW SECTION. ENFORCEMENT. If a county**
6 land preservation and use commission or a county board
7 of supervisors fails to meet the requirements of this
8 Act, the county attorney or an interested citizen
9 in the affected county or the attorney general of

10 Iowa may seek judicial review and enforcement of this
11 Act.

12 Sec. 11. *NEW SECTION. STATE AGENCIES.* All state
13 agencies, boards, commissions, and departments which
14 own and utilize land in this state shall be subject
15 to the policy established in section 1, unnumbered
16 paragraph 2 of this Act, and a rule adopted under
17 chapter 17A or activity taken by a state agency,
18 board, commission, or department shall not conflict
19 with the state land preservation and use policy
20 established by this Act.

21 If after the effective date of this Act a proposed
22 or adopted rule or activity by a state agency, board,
23 commission, or department conflicts with the policy
24 established in this Act, the attorney general of Iowa
25 may seek judicial review and enforcement of this Act.

26 If after July 1, 1985 a proposed or adopted rule
27 or activity by a state agency, board, commission,
28 or department conflicts with the final comprehensive
29 county land preservation and use plan or the county
30 zoning ordinance of a county, the county attorney
31 or an interested citizen in the affected county may
32 seek judicial review and enforcement of the comprehen-
33 sive county plan and zoning ordinance.

34 Sec. 12. Section 358A.5, unnumbered paragraph
35 1, Code 1981 Supplement, is amended to read as follows:

36 [Such] *The regulations shall be made in accordance*
37 *with a comprehensive plan and designed to preserve*
38 *the availability and productivity of agricultural*
39 *land and protect the soil from wind and water erosion;*
40 *to lessen congestion in the street or highway; to*
41 *secure safety from fire, flood, panic, and other*
42 *dangers; to protect health and the general welfare;*
43 *to provide adequate light and air; to prevent the*
44 *overcrowding of land; to avoid undue concentration*
45 *of population; to promote the conservation of energy*
46 *resources; to promote reasonable access to solar*
47 *energy; to facilitate the adequate provision of*
48 *transportation, water, sewerage, schools, parks and*
49 *other public requirements. However, provisions of*
50 *this section relating to the objectives of energy*

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1 conservation and access to solar energy shall not
2 be construed as voiding any zoning regulation existing
3 on July 1, 1981[, or to require zoning in a county
4 that did not have zoning prior to July 1, 1981].

5 Sec. 13. Section 414.3, unnumbered paragraph 1,

6 Code 1981, as amended by Acts of the Sixty-ninth
7 General Assembly, 1981 Session, chapter 125, section
8 2, is amended to read as follows:

9 [Such] *The regulations shall be made in accordance*
10 *with a comprehensive plan and designed to preserve*
11 *the availability and productivity of agricultural*
12 *land and protect the soil from wind and water erosion;*
13 *to lessen congestion in the street; to secure safety*
14 *from fire, flood, panic, and other dangers; to promote*
15 *health and the general welfare; to provide adequate*
16 *light and air; to prevent the overcrowding of land;*
17 *to avoid undue concentration of population; to promote*
18 *the conservation of energy resources; to promote*
19 *reasonable access to solar energy; to facilitate the*
20 *adequate provision of transportation, water, sewerage,*
21 *schools, parks, and other public requirements.*
22 However, provisions of this section relating to the
23 objectives of energy conservation and access to solar
24 energy shall not be construed as voiding any zoning
25 regulation existing on the effective date of this
26 Act[, or to require zoning in a city that did not have
27 zoning prior to the effective date of this Act].

28 Sec. 14. This Act shall not invalidate any part
29 of a zoning ordinance which is in effect on the
30 effective date of this Act, but this Act requires
31 that each county adopt a comprehensive zoning ordinance
32 by July 1, 1985 in accordance with sections 5 and
33 6 of this Act."

34 2. Amend the title, line 2, by striking the word
35 "agricultural".

36 3. Amend the title, line 3, by striking the word
37 "use" and inserting in lieu thereof the words
38 "comprehensive county zoning".

HOUSE AMENDMENT TO SENATE FILE 2234

S-5637

1 Amend Senate File 2234 as amended, passed and
2 reprinted by the Senate as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. Section 455A.21, Code 1981, is amended
6 by adding the following new unnumbered paragraph:
7 *NEW UNNUMBERED PARAGRAPH.* If an investigation
8 under section 455A.18 or 455A.28 discloses that a
9 proposed or an existing permitted use or combination
10 of such permitted uses is causing or will cause the
11 delivery system to fail in a well which supplies water

12 for a nonregulated household or livestock use, the
 13 commissioner or council may condition issuance or
 14 continuation of a permit upon payment by the applicant
 15 or permittee of compensation for all or a portion
 16 of the cost of a replacement water supply system or
 17 remedial work on the affected well necessitated by
 18 the interference. Determination of the amount of
 19 compensation for the well interference shall be made
 20 in a contested case proceeding under section 455A.19
 21 or 455A.28. The commissioner or council may require
 22 the parties to submit estimates of the cost of remedial
 23 repairs or a replacement water supply system. In
 24 determining appropriate compensation the commissioner
 25 or council shall consider the age and condition of
 26 the affected artesian well or the affected well and
 27 pumping system and its reasonableness as a method
 28 of obtaining groundwater in light of the history of
 29 development of groundwater in the surrounding area.
 30 When compensation is required for all or part of the
 31 cost of construction of a replacement water supply
 32 system or reconstruction of an affected well, the
 33 construction or reconstruction must comply with
 34 applicable state well construction standards. In
 35 cases of proposed permitted uses, the commissioner
 36 or council will determine and require that compensation
 37 be paid prior to issuance of a regular permit only
 38 when the determination is based upon data gathered
 39 through authorized test drillings and pumpings pursuant
 40 to a temporary permit or other identifiable data.
 41 If water systems affected by temporary pumpings have
 42 recovered within seven days of the completion of the
 43 test, the owner of the affected system shall have
 44 no grounds for permanent damages.”

S-5638

1 Amend Senate File 2304 as follows:
 2 1. Page 35, by inserting after line 5 the
 3 following:
 4 “Sec. ____ Acts of the Sixty-ninth General
 5 Assembly, 1981 Session, chapter 10, section 7, is
 6 amended by adding the following new subsection:
 7 **NEW SUBSECTION. LEGISLATIVE COUNCIL**
 8 To fund research projects and
 9 studies executed with the legislative
 10 extended assistance group \$ \$ 44,339
 11 Notwithstanding other provisions of this section
 12 or section 8.33, unencumbered funds appropriated by
 13 this subsection shall be available and shall not

AMENDMENTS FILED

2029

- 14 revert to the general fund of the state until January
- 15 1, 1984."
- 16 2. By numbering sections to conform to this
- 17 amendment.

FORREST V. SCHWENGELS

S-5639

- 1 Amend the House amendment S-5503 to Senate File
- 2 2245 as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 8 through 11 and
- 4 inserting in lieu thereof the following:
- 5 "*NEW LETTERED PARAGRAPH*. Voluntary, non-profit
- 6 groups whose funding is provided solely from non-tax
- 7 sources."
- 8 2. Page 1, by striking line 12.
- 9 3. Page 1, by striking lines 20 through 23.

JULIA GENTLEMAN
MICK LURA

S-5640

- 1 Amend House Concurrent Resolution 114 as adopted
- 2 by the House as follows:
- 3 1. Page 2, line 4, by inserting after the word
- 4 "request" the words "that they acknowledge receipt
- 5 of this resolution to the Iowa House and the Iowa
- 6 Senate and".

EDGAR H. HOLDEN

S-5641

- 1 Amend Senate File 2295 as follows:
- 2 1. Page 8, by inserting after line 17 the
- 3 following:
- 4 "Sec. ____ *NEW SECTION*. WINNING HORSES RESTRICTED.
- 5 If a horse takes first place in two races during an
- 6 annual racing season, the horse shall not race in
- 7 other races during that season except those races
- 8 held during the last week of that racing season."
- 9 2. Renumber as necessary.

RAY TAYLOR

S-5642

- 1 Amend Senate File 2304 as follows:
- 2 1. Page 29, line 28, by striking the words and

- 3 figures "subsections 1 and 3, are" and inserting in
 4 lieu thereof the words and figure "subsection 1, is".
 5 2. Page 29, line 35, by striking the figure
 6 "2,393,225" and inserting in lieu thereof the figure
 7 "2,488,840".
 8 3. Page 30, by striking lines 1 through 8.

CLARENCE CARNEY
 TED ANDERSON

S-5643

- 1 Amend Senate File 2295 as follows:
 2 1. Page 7, by striking lines 4 through 14 and
 3 inserting in lieu thereof the following: "deducted,
 4 shall be divided into two equal funds:
 5 1. The state social services fund.
 6 2. The county pari-mutuel fund.
 7 At the direction of the general assembly, moneys
 8 in the state social services fund shall be used to
 9 fund programs under the direction of the department
 10 of social services. Moneys in the county pari-mutuel
 11 fund shall be remitted to the counties and deposited
 12 in the general funds of the counties. Each county
 13 shall receive an amount which is in the same ratio
 14 to the total county pari-mutuel fund as the county's
 15 population is to the population of all counties."

RICHARD VANDE HOEF
 ARNE WALDSTEIN
 JACK W. HESTER
 ALVIN V. MILLER
 ELVIE L. DREESZEN

S-5644

- 1 Amend Senate File 2295 as follows:
 2 1. Page 1, by striking lines 10 through 14 and
 3 inserting in lieu thereof the words "of five members
 4 who shall be appointed by the governor and who shall
 5 serve not to exceed a three year term at the pleasure
 6 of the governor."
 7 2. Page 1, by striking line 29 and inserting in
 8 lieu thereof the following: "congressional district.
 9 A member of the commission shall not have a financial
 10 interest, either direct or indirect, in a race track."
 11 3. Page 1, by striking lines 30 through 34.
 12 4. Page 1, by striking line 35 and inserting in
 13 lieu thereof the following:
 14 "4. Commission members shall each receive an

15 annual salary of six thousand dollars from funds
16 appropriated by the general assembly each odd-numbered
17 year for salaries and benefits for public officials
18 and employees”.

19 5. Page 2, by striking lines 1 and 2 and inserting
20 in lieu thereof the words “and shall also be reimbursed
21 for necessary travel and expenses incurred in the
22 performance of their duties. Each member shall post
23 a bond in the”.

24 6. Page 11, line 25, by striking the word “two”
25 and inserting in lieu thereof the word “one”.

26 7. Renumber as required.

PATRICK J. DELUHERY
SUE YENGER

S-5645

1 Amend Senate File 2304 as follows:

2 1. Page 17, by inserting after line 2 the
3 following:

4 “Sec. ____ Acts of the Sixty-ninth General
5 Assembly, 1981 Session, chapter 8, section 9,
6 subsection 3, is amended by adding the following new
7 paragraph:

8 *NEW PARAGRAPH.* Planning
9 For planning for

10 veterinary medicine clinic
11 conversion for use by

12 industrial education \$ \$ 200,000”.

13 2. By numbering and renumbering sections and
14 correcting internal references as necessary.

JOHN N. NYSTROM
BASS VAN GILST

S-5646

1 Amend House File 744, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by striking line 16 through page 4,
4 line 1.

5 2. Page 4, by striking line 29 through page 6,
6 line 4.

7 3. Page 6, by striking line 17 through page 7,
8 line 16.

9 4. By renumbering to conform to this amendment.

DONALD V. DOYLE
DICK RAMSEY

S-5647

- 1 Amend Senate File 2239 as follows:
- 2 1. Page 1, by striking lines 16 through 19 and
- 3 inserting in lieu thereof the following: "to places
- 4 of amusement, fairs, and athletic events [except those
- 5 of elementary and secondary educational institutions];
- 6 and a like rate of tax upon that part of private club".

STEPHEN W. BIENIUS
 JAMES V. GALLAGHER
 ELVIE L. DREESZEN

S-5648

- 1 Amend the amendment S-5361 to House File 2405 as
- 2 passed by the House as follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 "*husbandry*" the words "*from the manufacturer to the*
- 5 *retail seller or from the retail seller to the farm*
- 6 *purchaser*".

JOHN W. JENSEN
 C. JOSEPH COLEMAN

S-5649

- 1 Amend the amendment S-5626 to Senate File 2295,
- 2 as follows:
- 3 1. Page 1, by striking line 16 and inserting in
- 4 lieu thereof the following: "expense of the commission
- 5 and shall be paid from funds received pursuant to
- 6 section 12 of this Act. Neither the state nor any
- 7 of its political subdivisions shall appropriate other
- 8 funds for the costs of acquisition, construction,
- 9 operation, or maintenance of the approved location
- 10 and the facilities."

BASS VAN GILST

S-5650

- 1 Amend House File 2351 as amended, passed and
- 2 reprinted by the House, as follows:

DIVISION S—5650A

- 3 1. Page 1, line 27, by striking the words "but
- 4 a" and inserting in lieu thereof the words ", except
- 5 that an exemption granted for wetlands shall be for
- 6 three fiscal years. A".

7 2. Page 1, line 34, by inserting after the word
8 "revenue." the words "However, in the case of an
9 exemption granted for wetlands an application does
10 not have to be filed for the second and third years
11 of the three-year exemption period."

DIVISION S—5650B

12 3. Page 4, by inserting after line 26 the
13 following:
14 "f. "Used for economic gain" includes, but is
15 not limited to, using property for the storage of
16 equipment, machinery, or crops."

DIVISION S—5650C

17 4. Page 4, by striking lines 27 and 28.
18 5. Title page, line 4, by striking the words
19 "certain terraces".

DALE L. TIEDEN

S-5651

1 Amend Senate File 2295 as follows:
2 1. Page 7, by striking lines 5 through 14, and
3 inserting in lieu thereof the following: "are counties
4 in the state of Iowa. If a victim compensation
5 program is enacted, these funds shall be used for
6 funding that program. Otherwise, one part shall be
7 remitted to the county treasurer of each county
8 regardless of population and that part shall be used
9 by the county to pay the expenses of the county's
10 sheriff's department."

GARY L. BAUGHER

S-5652

1 Amend the House amendment S-5566 to Senate File
2 268 as amended, passed and reprinted by the Senate,
3 as follows:
4 1. Page 7, by striking lines 19 through 21 and
5 inserting in lieu thereof the following: "of prisons.
6 If an inmate objects to her transfer to the federal
7 bureau of prisons, the inmate shall be afforded a
8 hearing as provided for in section 217.22."
9 2. Page 7, by striking lines 32 through 34 and
10 inserting in lieu thereof the following: "If an
11 inmate objects to his transfer to the federal bureau

- 12 of prisons, the inmate shall be afforded a hearing
 13 as provided in section 217.22."
 14 3. Page 18, by striking line 22.

LUCAS J. DE KOSTER

S-5653

- 1 Amend Senate File 2295 as follows:

DIVISION S—5653A

- 2 1. Page 2, line 27, by adding after the word
 3 "Act." the words "The rules shall include a provision
 4 stating that the horse-race meetings shall be held
 5 only during a one hundred twenty-day period each year
 6 and designating the one hundred twenty-day period
 7 during which horse-race meetings may be held."

DIVISION S—5653B

- 8 2. Page 4, by striking line 34 and inserting in
 9 lieu thereof the words "not make a pari-mutuel wager
 10 and shall not be admitted to a race track unless
 11 accompanied by a parent or legal guardian. Wagering
 12 is not lawful".

BASS VAN GILST

S-5654

- 1 Amend Senate File 2295 as follows:

- 2 1. Page 5, line 32, by inserting after the word
 3 "commission." the words "The commission shall require
 4 a licensee to make available to each person who
 5 purchases an admission ticket or who is issued a free
 6 pass or complimentary admission ticket information
 7 on the location and purposes of a chapter of gamblers
 8 anonymous. The information may be in pamphlet form."

RAY TAYLOR

S-5655

- 1 Amend Senate File 2295 as follows:

- 2 1. Page 11, by inserting after line 6, the
 3 following:
 4 "Sec. ____ Section 422.4, subsection 13, Code
 5 1981, is amended to read as follows:
 6 13. The term "withholding agent" means any
 7 individual, fiduciary, estate, trust, corporation,

8 partnership or association in whatever capacity acting
9 and including all officers and employees of the state
10 of Iowa, or any municipal corporation of the state
11 of Iowa and of any school district or school board
12 of the state, or of any political subdivision of the
13 state of Iowa, or any tax-supported unit of government
14 that is obligated to pay or has control of paying
15 or does pay to any resident or nonresident of the
16 state of Iowa or [his] *an agent any wages or winnings*
17 *from pari-mutuel wagering* that are subject to the
18 Iowa income tax in the hands of such resident or
19 nonresident, or any of the above-designated entities
20 making payment or having control of making such payment
21 of any taxable Iowa income to any nonresident. The
22 term "withholding agent" shall also include an officer
23 or employee of a corporation or association, or a
24 member or employee of a partnership, who as such
25 officer, employee, or member has the responsibility
26 to perform an act under section 422.16 and who
27 subsequently knowingly violates the provisions of
28 section 422.16.

29 Sec. ____ Section 422.4, Code 1981, is amended
30 by adding the following new subsection:

31 **NEW SUBSECTION.** "Winnings from pari-mutuel
32 wagering" means the amount of money paid to the holder
33 of a wagering ticket purchased for a pari-mutuel
34 horse-race meeting in Iowa if the amount paid is one
35 hundred dollars or more.

36 Sec. ____ Section 422.16, subsections 1 and 8,
37 Code 1981, are amended to read as follows:

38 1. Every withholding agent as defined herein and
39 every employer as defined herein and further defined
40 in the Internal Revenue Code of 1954, as amended,
41 with respect to income tax collected at source, making
42 payment of wages as defined herein to either a resident
43 employee or employees, or a nonresident employee or
44 employees, working in Iowa, shall deduct and withhold
45 from such wages *or winnings from pari-mutuel wagering*
46 an amount which will approximate the employee's annual
47 tax liability on a calendar year basis, calculated
48 on the basis of tables to be prepared by the department
49 and schedules or percentage rates, based on such wages
50 *or winnings*, to be prescribed by the department.

Page 2

1 Every employee or other person shall declare to such
2 employer or withholding agent the number of [his]
3 personal exemptions and dependency exemptions or

4 credits to be used in applying such tables and
 5 schedules or percentage rates, provided that no more
 6 such personal or dependency exemptions or credits
 7 may be declared by such employee or other person than
 8 the number to which [he] *the person* is entitled. Such
 9 claiming of such exemptions or credits in excess of
 10 entitlement shall constitute a misdemeanor.

11 8. An employer or withholding agent shall be
 12 liable for the payment of the tax required to be
 13 deducted and withheld or the amount actually deducted,
 14 whichever is greater, under subsections 1 and 12 of
 15 this section; and any amount deducted and withheld
 16 as tax under subsections 1 and 12 of this section
 17 during any calendar year upon the wages *or winnings*
 18 *from pari-mutuel wagering* of any employee, nonresident,
 19 or other person shall be allowed as a credit to the
 20 employee, nonresident, or other person against the
 21 tax imposed by section 422.5, irrespective of whether
 22 or not such tax has been, or will be, paid over by
 23 the employer or withholding agent to the department
 24 as provided by this chapter.

25 Sec. ____ Section 422.16, subsection 11, paragraph
 26 a, Code 1981, is amended to read as follows:

27 11. a. Every person or married couple filing
 28 a joint return shall make a declaration of estimated
 29 tax if [his or their] *the person's or the couple's* Iowa
 30 income tax attributable to income, other than wages
 31 *or winnings from pari-mutuel wagering* subject to
 32 withholding, can reasonably be expected to amount
 33 to fifty dollars or more for the taxable year, except
 34 that, in the cases of farmers and fishermen, the
 35 exceptions provided in the Internal Revenue Code of
 36 1954 with respect to such declarations shall apply.
 37 The declaration provided for herein shall be filed
 38 on or before the last day of the fourth month of the
 39 taxpayer's tax year for which such declaration is
 40 filed, in such form as the director may require by
 41 regulations. The estimated tax shall be paid in
 42 quarterly installments. The first installment shall
 43 be paid at the time of filing the declaration. The
 44 other installments shall be paid on or before June
 45 30, September 30, and January 31. However, at the
 46 election of the person or married couple filing
 47 jointly, any installment of the estimated tax may
 48 be paid prior to the date prescribed for its payment.
 49 Whenever a person or married couple filing a joint
 50 return have reason to believe that [his or their] *the*

Page 3

1 *person's or the couple's* Iowa income tax may increase

2 or decrease, either for purposes of meeting the
 3 requirement to file a declaration of estimated tax
 4 or for the purpose of increasing or decreasing such
 5 declaration, an amended estimate shall be filed by
 6 [him or them] *the person or couple* to reflect such
 7 increase or decrease in estimated Iowa income tax."
 8 2. Renumber as necessary.

RAY TAYLOR

S-5656

1 Amend the House amendment S-5566 to Senate File
 2 268 as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 2, line 4, by striking the word "not".

DONALD V. DOYLE

S-5657

1 Amend the House amendment S-5566 to Senate File
 2 268 as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 4, line 29, by striking the word "eleven"
 5 and inserting in lieu thereof the word "thirteen".
 6 2. Page 4, by striking line 47 through page 5,
 7 line 3, and inserting in lieu thereof the following:
 8 "9. Four public members who have knowledge of
 9 penology, or corrections, appointed by the governor."

DONALD V. DOYLE

S-5658

1 Amend the House amendment S-5566 to Senate File
 2 268 as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 7 through 18, and
 5 inserting in lieu thereof the following:
 6 "Sec. 2. *NEW SECTION. CONDUCT REVIEW.* The
 7 commissioner of social services shall appoint
 8 independent hearing officers to review as provided
 9 in section 4 of this Act, the conduct of inmates in
 10 institutions under the department of social services,
 11 division of corrections."
 12 2. Page 2, line 19, by striking the words "the
 13 conduct review committee or".
 14 3. Page 2, line 23, by striking the words "conduct
 15 review committee or".
 16 4. Page 2, line 29, by striking the words

17 "committee or".

18 5. Page 2, line 38, by striking the words

19 "committee or".

DONALD V. DOYLE

S-5659

1 Amend the House amendment S-5566 to Senate File

2 268 as amended, passed and reprinted by the Senate,

3 as follows:

4 1. Page 2, by striking lines 8 and 9 and inserting

5 in lieu thereof the following: "while serving a life

6 sentence unless the director of the division of adult

7 corrections determines otherwise. If good conduct

8 time does not accrue to an inmate while serving a

9 life sentence, good conduct time may accrue after

10 the inmate's life sentence".

DONALD V. DOYLE

S-5660

1 Amend House File 744, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 3, by striking line 16 through page 4,

4 line 1.

5 2. Page 4, by striking line 29 through page 6,

6 line 4.

7 3. Page 6, by striking line 28 through page 7,

8 line 16.

9 4. By renumbering to conform to this amendment.

DONALD V. DOYLE

DICK RAMSEY

S-5661

1 Amend Senate File 2304 as follows:

2 1. Page 37, by striking lines 7 through 12 and

3 inserting in lieu thereof the following:

4 "1. The legislative service bureau shall conduct

5 a study of the effect of the loss of federal funds

6 on the legal services provided by the legal services

7 corporation. In the conduct of the study the

8 legislative service bureau shall consult with the

9 following persons including but not limited to the

10 supreme court, the court administrator of the judicial

11 department, and representatives of the Iowa bar

12 association, the legal services corporation of Iowa,

13 and the legal aid society of Polk county. The study

14 shall include the following:".

15 2. Page 37, line 19, by striking the words "court
16 administrator" and inserting in lieu thereof the words
17 "legislative service bureau".

18 3. Page 37, by striking lines 23 and 24 and
19 inserting in lieu thereof the following: "state to
20 the legislative service bureau for the fiscal year
21 beginning July 1, 1982, and".

BOB RUSH
ARTHUR A. SMALL, JR.

S-5662

1 Amend House File 744 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 6, by inserting after line 4, the
4 following:

5 "Sec. ____ Section 906.9, Code 1981, is amended
6 to read as follows:

7 906.9 CLOTHING, TRANSPORTATION, [AND] MONEY, AND
8 NOTIFICATION.

9 1. When an inmate is discharged, paroled, or
10 placed on work release, the warden or superintendent
11 shall furnish the inmate, at state expense, appropriate
12 clothing and transportation to the place in this state
13 indicated in the inmate's discharge, parole, or work
14 release plan. When an inmate is discharged, paroled,
15 or placed on work release, the warden or superintendent
16 shall provide the inmate, at state expense, money
17 in accordance with the following schedule:

18 [1] a. Upon discharge or parole, one hundred dollars.

19 [2] b. Upon being placed on work release, fifty
20 dollars.

21 [3] c. Upon going from an educational work release
22 to parole or discharge, fifty dollars.

23 Those inmates receiving payment under [subsection
24 2 or 3] *paragraph b or c* of this [section shall]
25 *subsection are* not [be] eligible for payment under
26 [subsection 1] *paragraph a* of this [section] *subsection*
27 unless they are returned to the institution. The
28 warden or superintendent shall maintain an account
29 of all funds expended pursuant to this section.

30 2. *When an inmate is to be discharged, paroled,*
31 *furloughed, or placed on work release, the warden*
32 *or superintendent, shall promptly notify the sheriff*
33 *in the county known as the inmate's last place of*
34 *residence, the sheriff of the county from which the*
35 *inmate was convicted, and the chief municipal law*
36 *enforcement officer of the city known as the inmate's*

37 *last place of residence. In the notification, the*
 38 *warden or superintendent shall name the inmate, the*
 39 *date of conviction, the crime for which the inmate*
 40 *was convicted, the terms of the parole, furlough,*
 41 *or release, and the name of the parole officer to*
 42 *whom the person is paroled. Any of the law en-*
 43 *forcement officers notified pursuant to this subsection*
 44 *may forward the information to any of the following:*
 45 *a. Known victims of the inmate's crime.*
 46 *b. Witnesses of the inmate's crime.*
 47 *c. Persons who aided in the inmate's arrest.*
 48 *d. Persons who aided in the inmate's conviction."*
 49 2. By renumbering to conform to this amendment.

DICK RAMSEY
 ARNE WALDSTEIN
 LOWELL L. JUNKINS
 C.W. BILL HUTCHINS
 FORREST V. SCHWENGELS
 CHARLES P. MILLER
 GARY L. BAUGHER

HOUSE AMENDMENT TO SENATE FILE 2091

S-5663

1 Amend Senate File 2091 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. Section 214A.2, Code 1981, is amended
 6 by adding the following new unnumbered paragraph:
 7 *NEW UNNUMBERED PARAGRAPH.* Gasoline shall not
 8 contain a mixture of more than thirteen percent
 9 ethanol.
 10 Sec. 2. Chapter 214A, Code 1981, is amended by
 11 adding the following new section:
 12 *NEW SECTION.* Any retail dealer who sells or holds
 13 for sale motor vehicle fuel containing ethanol shall
 14 conspicuously post upon any container or pump from
 15 which the motor fuel is being sold, a two inch by
 16 six inch notice with letters at least one-half inch
 17 high stating "ethanol blend".
 18 Sec. 3. Section 324.3, unnumbered paragraph 1,
 19 Code 1981, as amended by Acts of the Sixty-ninth
 20 General Assembly, Second Extraordinary 1981 Session,
 21 chapter 2, section 7, is amended to read as follows:
 22 For the privilege of operating motor vehicles in
 23 this state an excise tax of thirteen cents per gallon
 24 beginning September 1, 1981 is imposed upon the use

25 of all motor fuel used for any purpose except motor
26 fuel containing at least ten percent alcohol distilled
27 from agricultural products *grown in the United States*
28 for the period beginning July 1, 1978 and ending June
29 30, [1983] *1986* and except as otherwise provided in
30 this division. The tax shall be paid in the first
31 instance by the distributor upon the invoiced **gallonge**
32 of all motor fuel received by the distributor in this
33 state, within the meaning of the word "received" as
34 defined in this division, less the deductions
35 authorized. Thereafter, except as otherwise provided,
36 the per gallon amount of the tax shall be added to
37 the selling price of every gallon of such motor fuel
38 sold in this state and collected from the purchaser
39 so that the ultimate consumer bears the burden of
40 the tax; provided that tax shall not be imposed or
41 collected under this division with respect to the
42 following:

43 Sec. 4. Section 324.3, unnumbered paragraph 3,
44 Code 1981, as amended by Acts of the Sixty-ninth
45 General Assembly, Second Extraordinary 1981 Session,
46 chapter 2, section 9, is amended to read as follows:

47 For the privilege of operating motor vehicles in
48 this state an excise tax of [five cents per gallon
49 for the period beginning May 1, 1981 and ending August
50 31, 1981 and an excise tax of] six cents per gallon

Page 2

1 for the period beginning September 1, 1981 and ending
2 [June 30, 1983] *on the last day of the month in which*
3 *this Act becomes effective, an excise tax of eight*
4 *cents per gallon for the period beginning on the first*
5 *day of the month following the month in which this*
6 *Act becomes effective and ending June 30, 1983, an*
7 *excise tax of ten cents per gallon for the period*
8 *beginning July 1, 1983 and ending June 30, 1984, an*
9 *excise tax of eleven cents per gallon for the period*
10 *beginning July 1, 1984 and ending June 30, 1985, an*
11 *excise tax of twelve cents per gallon beginning July*
12 *1, 1985 and ending June 30, 1986, is imposed upon*
13 the use of gasohol used for any purpose except as
14 otherwise provided in this division.

15 Sec. 5. This Act, being deemed of immediate
16 importance, takes effect from and after its publication
17 in The Hudson Herald, a newspaper published in Hudson,
18 Iowa, and in the Bremer County Independent and Waverly
19 Democrat, a newspaper published in Waverly, Iowa."

20 2. Amend the title, lines 2 through 4, by striking

21 the words "providing an excise tax on ethyl alcohol
 22 used by motor vehicles, requiring motor fuel
 23 distributors to receive a certain percentage of
 24 ethanol, and providing a penalty" and inserting in
 25 lieu thereof the words "effective upon publication".
 26 3. Title page, line 1, by striking the words "to
 27 increase" and inserting in lieu thereof the words
 28 "relating to motor vehicle fuel, including provisions
 29 relating to ethanol blended motor vehicle fuel, and
 30 increasing".

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 2460

S-5664

1 Amend amendment H-5834, the Senate amendment to
 2 House File 2460, as amended, passed and reprinted
 3 by the House, as follows:
 4 1. Page 1, by striking lines 5 through 11 and
 5 inserting in lieu thereof the following:
 6 "Sec. ____ Section 232.28, subsections 1 and 2,
 7 Code 1981, are amended to read as follows:
 8 1. Any person having knowledge of the facts may
 9 file a complaint with the court or its designee
 10 alleging that a child has committed a delinquent act.
 11 *A written record shall be maintained of any oral*
 12 *complaint received.*
 13 2. The Court or its designee shall refer the
 14 complaint to an intake officer who shall *consult with*
 15 *law enforcement authorities having knowledge of the*
 16 *facts and* conduct a preliminary inquiry to determine
 17 what action should be taken."
 18 2. Page 1, by striking lines 14 through 26.
 19 3. Page 1, by striking lines 27 through 31.
 20 4. Page 2, by striking lines 1 through 3.

S-5665

1 Amend the House amendment S-5566 to Senate File
 2 268 as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 5, line 32, by inserting after the word
 5 "procedures," the words "rules of the department of
 6 social services concerning correctional institutions,".

DONALD V. DOYLE

S-5666

1 Amend the House amendment S-5566 to Senate File

2 268 as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 9, by striking lines 23 through 29 and
5 inserting in lieu thereof the following: "in [any
6 such] *the proceeding shall be delivered to the defendant*
7 *personally or by certified mail and a certified copy*
8 *shall be sent by the clerk of court to the institution*
9 *from which the defendant is on temporary release.*
10 [Such] *The court's decision to take action or not to*
11 *take action is discretionary [with the court,] and [its*
12 *decision to take such action or not to take such*
13 *action is] not subject to appeal. [The provisions of*
14 *this] This section notwithstanding, for the purposes*
15 *of appeal[,] a judgment of conviction of a felony is*
16 *a".*

17 2. Page 13, line 44, by inserting after the word
18 "be" the following: "*asked if he or she desires legal*
19 *counsel. If the alleged violator desires leg al counsel*
20 *but is unable by reason of indigency to employ any,*
21 *the magistrate shall appoint defense counsel pursuant*
22 *to chapter 336B. The alleged violator shall also*
23 *be".*

24 3. Page 14, by striking lines 10 through 12 and
25 inserting in lieu thereof the following: "county
26 [as] *in which the alleged parole violator [had his or*
27 *her initial appearance] or alleged violator of*
28 *supervised release was being supervised or in the*
29 *county in which the alleged parole violation or*
30 *violation of supervised release occurred."*

DONALD V. DOYLE

S-5667

1 Amend the House amendment S-5566 to Senate File
2 268 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 2, line 33, by striking the figure "28"
5 and inserting in lieu thereof the figure "29".

6 2. Page 8, by striking line 32 and inserting in
7 lieu thereof the following:

8 "Sec. 25. Chapter 901, Code 1981, is amended by
9 adding the following new section:

10 **NEW SECTION. MANDATORY SUPERVISED".**

11 3. Page 10, by striking lines 24 through 38 and
12 inserting in lieu thereof the following:

13 "*The board of parole shall promulgate rules pursuant*
14 *to chapter 17A of the Code, as to the timing and*
15 *frequency of parole interviews and paroles, as to*
16 *the shortest possible time of incarceration which*

17 *an offender shall serve prior to eligibility for*
 18 *release on parole or by the accrual of good conduct*
 19 *time, and rules as to the length and conditions of*
 20 *paroles and supervised releases. These rules shall*
 21 *take into consideration the offender's past conviction*
 22 *record including the number of prior forcible felonies,*
 23 *nonforcible felonies, and aggravated misdemeanors,*
 24 *the length of time since conviction for the prior*
 25 *offenses, use of a dangerous weapon as defined by*
 26 *section 702.7 in the commission of the offense and*
 27 *other relevant factors."*
 28 4. Page 12, by striking lines 37 through 39 and
 inserting in lieu thereof the following:
 30 "Sec. 37. Section 906.16, unnumbered paragraph
 31 1, Code 1981, is amended to read as follows:
 32 The time when a prisoner is on parole or
 33 supervised".
 34 5. Page 13, line 18, by striking the word and
 35 figures "11, subsection 11" and inserting in lieu
 36 thereof the word and figures "29, subsection 2".

DONALD V. DOYLE

S-5668

1 Amend the House amendment S-5566 to Senate File
 2 268 as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 16, line 18, by striking the word "board"
 5 and inserting in lieu thereof the words "[board]
 6 department of social services".

DONALD V. DOYLE

S-5669

1 Amend House File 2351 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 4, line 26, by inserting after the figure
 4 "161.13" the words "except land located within the
 5 corporate limits of a city which is not open to public
 6 use".
 7 2. Page 4, by striking lines 31 through 33 and
 8 inserting in lieu thereof the following:
 9 "441.22 FOREST AND FRUIT-TREE RESERVATIONS. Forest
 10 reservations fulfilling the conditions of sections 161.1
 11 to 161.13 which are located within the corporate limits
 12 of a city and which are not open to public use shall
 13 be assessed [on a taxable valuation of]".
 14 3. Page 4, line 34, by inserting after the word

15 "[acre.]" the words "*at market value.*"
 16 4. Page 5, line 3, by inserting after the word
 17 "planting" the words "*except that a fruit-tree reservation*
 18 *located within the corporate limits of a city which is*
 19 *not open to public use shall be assessed at market*
 20 *value.*"

BERL E. PRIEBE
 BOB RUSH

S-5670

1 Amend the amendment S-5361 to House File 2405 as
 2 passed by the House as follows:
 3 1. Page 1, line 26, by inserting after the word
 4 "*husbandry*" the words "*from the manufacturer to the*
 5 *retail seller, from the retail seller to the farm*
 6 *purchaser, or from the manufacturer to the farm*
 7 *purchaser*".

JOHN W. JENSEN
 C. JOSEPH COLEMAN
 BERL E. PRIEBE

S-5671

1 Amend the House amendment S-5637 to Senate File
 2 2234 as amended, passed and reprinted by the Senate
 3 as follows:
 4 1. Page 1, line 21, by striking the words
 5 "*commissioner or*".
 6 2. Page 1, lines 24 and 25, by striking the words
 7 "*commissioner or*".
 8 3. Page 1, lines 35 and 36, by striking the words
 9 "*commissioner or*".

DALE L. TIEDEN

S-5672

1 Amend the amendment S-5615 to Senate File 2304 as
 2 follows:
 3 1. Page 1, line 6, by inserting after the word
 4 "*basis*" the words "*to be effective after January 1,*
 5 *1983*".
 6 2. Page 1, by striking lines 9 through 11.

BOB RUSH

S-5673

1 Amend the House amendment S-5637 to Senate File

- 2 2234 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, line 10, by inserting after the word
5 "uses" the words "for irrigation purposes".
6 2. Page 1, line 35, by inserting after the word
7 "uses" the words "for irrigation purposes".

C.W. BILL HUTCHINS
FORREST V. SCHWENGELS

S-5675

- 1 Amend Senate File 2304 as follows:
2 1. Page 17, by inserting after line 21 the
3 following:
4 "Sec. 42a. Section 262.9, Code 1981, is amended
5 by adding the following new subsection:
6 *NEW SUBSECTION.* Set tuition rates for the
7 institutions of higher learning under its control
8 as provided in section 42b of this Act.
9 Sec. 42b. Chapter 262, Code 1981, is amended by
10 adding the following new section:
11 *NEW SECTION.* TUITION RATES. The state board of
12 regents shall establish tuition rates for each
13 institution of higher learning under its control based
14 upon the actual cost of providing the educational
15 program at the institution. Separate tuition rates
16 may be established for graduate programs for which
17 the actual cost exceeds the cost of undergraduate
18 programs at the institution. A student shall pay
19 the amount of tuition established by the state board
20 except as otherwise provided in this section.
21 The state board shall establish criteria for
22 determining financial need of students. For the
23 purpose of this section, "financial need" means the
24 difference between the student's available financial
25 resources, including those available from the student's
26 parents, and the tuition rate established by the state
27 board. A student may pay a lesser amount for tuition
28 during a school year, based upon the student's
29 financial need as determined by the state board, and
30 the difference between the tuition set by the state
31 board and the amount of tuition paid by the student
32 is a loan to the student with repayment made in the
33 manner provided in section 42c of this Act. However,
34 a student must pay at least twenty percent of the
35 tuition rate set by the state board.
36 Sec. 42c. Chapter 262, Code 1981, is amended by
37 adding the following new section:
38 *NEW SECTION.* TUITION LOAN PROGRAM. The general

39 assembly has determined that the annual revenues of
40 the state of Iowa are insufficient to finance the
41 operating and utilities requirements of the
42 institutions of higher learning under the state board
43 and in order to provide these funds it is necessary
44 to establish a tuition loan fund. The state board
45 shall establish a tuition loan fund into which shall
46 be placed funds appropriated to the fund and moneys
47 received from students for repayment of loans. The
48 state board shall adopt rules under chapter 17A for
49 the administration of the tuition loan program and
50 the allocation and repayment of tuition loans. A

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1 student shall commence repayment of the loan one year
2 after the student has terminated enrollment at the
3 institution of higher learning under the control of
4 the state board of regents. However, if the student
5 has transferred to another institution of higher
6 learning for additional study, the student is not
7 required to commence repayment of the loan until one
8 year after the student has terminated enrollment at
9 the institution of higher learning. Fifty percent
10 of a tuition loan is canceled five years after the
11 student has terminated enrollment at an institution
12 of higher learning if the loan recipient has been
13 employed in this state for the five-year period.
14 Additional terms and conditions of tuition loans shall
15 be established by the state board.”
16 2. By numbering and renumbering sections and
17 correcting internal references as necessary.

STEPHEN W. BISENIUS

S-5676

1 Amend the House amendment S-5663 to Senate File
2 2091 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 2, line 6, by striking the words “June 30,
5 1983” and inserting in lieu thereof the words “December
6 31, 1982”.
7 2. Page 2, line 8, by striking the word “July”
8 and inserting in lieu thereof the word “January”.
9 3. Page 2, line 8, by striking the words “June 30,
10 1984” and inserting in lieu thereof the words “December
11 31, 1983”.
12 4. Page 2, line 10, by striking the word “July”
13 and inserting in lieu thereof the word “January”.

- 14 5. Page 2, line 10, by striking the words "June 30,
 15 1985" and inserting in lieu thereof the words "December
 16 31, 1984".
- 17 6. Page 2, line 11, by striking the word "July"
 18 and inserting in lieu thereof the word "January".
- 19 7. Page 2, line 12, by striking the words "June 30,
 20 1986" and inserting in lieu thereof the words "December
 21 31, 1985".

EDGAR H. HOLDEN

S-5677

- 1 Amend Senate File 2304 as follows:
 2 1. Page 50, by inserting after line 8 the
 3 following:
 4 "Sec. 103. Section 230.15, unnumbered paragraph
 5 1, Code 1981, is amended to read as follows:
 6 [Mentally] *A mentally ill* [persons] *person* and [persons]
 7 *a person* legally liable for [their] *the person's* support
 8 [shall] remain liable for the support of [such] *the*
 9 *mentally ill person as provided in this section.*
- 10 Persons legally liable for the support of a mentally
 11 ill person [shall] include the spouse of the mentally
 12 ill person, any person[, firm, or corporation] bound
 13 by contract for support of the mentally ill person,
 14 and, with respect to mentally ill persons under
 15 eighteen years of age only, the father and mother
 16 of the mentally ill person. The county auditor,
 17 subject to the direction of the board of supervisors,
 18 shall enforce the obligation [herein] created *in this*
 19 *section as to all sums advanced by the county. The*
 20 *liability to the county incurred by a mentally ill*
 21 *person or a person legally liable for the person's*
 22 *support* under this section [on account of any mentally
 23 ill person shall be] *is limited to an amount equal*
 24 *to one hundred percent of the cost of care and*
 25 *treatment of the mentally ill person at a state mental*
 26 *health institute for one hundred twenty days of*
 27 *hospitalization[, whether occurring subsequent to a*
 28 *single admission or accumulated as a consequence of*
 29 *two or more separate admissions, and thereafter to].*
 30 *This limit of liability may be reached by payment*
 31 *of the cost of care and treatment of the mentally*
 32 *ill person subsequent to a single admission or multiple*
 33 *admissions to a state mental health institute or,*
 34 *if the person is not discharged as cured, subsequent*
 35 *to a single transfer or multiple transfers to a county*
 36 *care facility pursuant to section 227.11. After*
 37 *reaching this limit of liability, a mentally ill*

38 *person or a person legally liable for the person's*
 39 *support is liable to the county for the care and*
 40 *treatment of the mentally ill person at a state mental*
 41 *health institute or, if transferred but not discharged*
 42 *as cured, at a county care facility in an amount not*
 43 *in excess of the average minimum cost of the*
 44 *maintenance of a physically and mentally healthy*
 45 *individual residing in [his] the individual's own home,*
 46 *which standard shall be established and may from time*
 47 *to time be revised by the department of social*
 48 *services. [No] A lien imposed by section 230.25 shall*
 49 *not exceed the amount of the liability which may be*
 50 *incurred under this section on account of any mentally*

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1 ill person.
 2 Sec. 104. Section 230.15, unnumbered paragraph
 3 3, Code 1981, is amended by striking the unnumbered
 4 paragraph.
 5 Sec. 105. Section 103 of this Act applies to all
 6 payments made by a mentally ill person or a person
 7 legally liable for the person's support for the cost
 8 of care and treatment of the mentally ill person at
 9 a state mental health institute or, if transferred
 10 but not discharged from a state mental health
 11 institute, at a county care facility before, on, or
 12 after the effective date of this Act. However, if
 13 such payments exceed the liability limitations in
 14 section 103 of this Act on the effective date of this
 15 Act, a county is not liable for repayment of the
 16 excess payments."
 17 2. By renumbering as necessary.

RAY TAYLOR

S-5678

1 Amend Senate File 2304 as follows:
 2 1. Page 2, by inserting after line 8 the following:
 3 "Notwithstanding the prison system population
 4 figures in Acts of the Sixty-ninth General Assembly,
 5 1981 Session, chapter 11, section 3, subsection 1,
 6 only a prison system population exceeding two thousand
 7 seven hundred eighty shall require the declaration
 8 of a prison overcrowding state of emergency, and a
 9 prison system population below two thousand six hundred
 10 eighty shall require the termination of a state of
 11 emergency. The ninety-day reductions in tentative
 12 discharge dates provided for in Acts of the Sixty-

13 ninth General Assembly, 1981 Session, chapter 11,
 14 section 3, subsection 1, shall only be required if
 15 the prison system population equals or exceeds two
 16 thousand six hundred eighty for ninety days after
 17 a state of emergency has been in effect. The new
 18 prison system population figures in this unnumbered
 19 paragraph apply retroactively to a state of emergency
 20 declared prior to the effective date of this Act."

DICK RAMSEY
 STEPHEN W. BIENIUS
 BERL E. PRIEBE
 JAMES V. GALLAGHER

S-5679

1 Amend Senate File 2304 as follows:
 2 1. Page 2, by inserting after line 24 the following
 3 new section:
 4 "Sec. ____ Acts of the Sixty-ninth General
 5 Assembly, 1981 Session, chapter 11, section 3,
 6 subsection 1, unnumbered paragraph 2, is amended by
 7 striking the unnumbered paragraph."
 8 2. Page 32, by inserting after line 34 the
 9 following new section:
 10 "Sec. ____ Acts of the Sixty-ninth General
 11 Assembly, 1981 Session, chapter 10, section 1,
 12 subsection 3, paragraph d, is amended by striking
 13 the paragraph."
 14 3. Page 33, by inserting after line 10 the
 15 following new section:
 16 "Sec. ____ Acts of the Sixty-ninth General
 17 Assembly, 1981 Session, chapter 10, section 6,
 18 subsection 1, unnumbered paragraph 2, is amended by
 19 striking the unnumbered paragraph."
 20 4. Page 54, by striking lines 3 through 10 and
 21 inserting in lieu thereof the following:
 22 "[If legislation creating a criminal justice
 23 improvement fund is enacted and becomes law, the funds
 24 appropriated by this subsection for the Iowa law
 25 enforcement academy are reduced for the fiscal year
 26 beginning July 1, 1981 and ending June 30, 1982 by
 27 one hundred thirty-nine thousand nine hundred sixty-
 28 two (139,962) dollars and for the fiscal year beginning
 29 July 1, 1982 and ending June 30, 1983 by one hundred
 30 forty-eight thousand eight hundred seventy-one
 31 (148,871) dollars.]"
 32 5. Page 55, by inserting after line 3 the following
 33 new sections:
 34 "Sec. ____ Acts of the Sixty-ninth General

35 Assembly, 1981 Session, chapter 14, section 2,
36 subsection 3, paragraph d, is amended by striking
37 the paragraph.
38 Sec. ____ Acts of the Sixty-ninth General Assembly,
39 1981 Session, chapter 14, section 3, subsection 3,
40 is amended by striking the subsection."
41 6. Renumber sections and correct internal
42 references as are necessary in accordance with this
43 amendment.

JOHN S. MURRAY

S-5680

1 Amend House File 2484 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 5, lines 26 and 27, by striking the words
4 "*person transporting*" and inserting in lieu thereof
5 the words "*owner of*".
6 2. Page 5, line 27, by inserting after the word
7 "*submitted*" the words "*by the person transporting*
8 *the mobile home*".
9 3. Page 9, line 32, by inserting after the word
10 "homes" the words "in their inventory".
11 4. Page 11, line 34, by striking the word "section"
12 and inserting in lieu thereof the words and figures
13 "sections 321E.8 and".

NORMAN RODGERS
RICHARD F. DRAKE

S-5681

1 Amend Senate File 2304 as follows:
2 1. Page 39, by inserting before line 13 the
3 following:
4 "*NEW PARAGRAPH. The department of social services*
5 *shall only require written verification of the earned*
6 *income under the monthly reporting requirement of*
7 *the aid to families with dependent children program.*
8 *Written verification is not required under monthly*
9 *reporting for work expenses and child care expenses,*
10 *unless the department of social services has reason*
11 *to believe that the reported information is inaccurate*
12 *or the grant recipient has a record of failure to*
13 *accurately report changes in circumstances. For*
14 *recipients who are unable to obtain necessary*
15 *verification of earned income, work expenses, or child*
16 *care expenses, the department of social services shall*
17 *assist the recipients in obtaining the required*

18 verification.”

TOM SLATER

S-5682

- 1 Amend House File 2351 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 5, by inserting after line 7 the following
 4 new section:
 5 “Sec. ____ There is appropriated from the general
 6 fund of the state to the department of revenue for
 7 the fiscal year beginning July 1, 1982 and ending
 8 June 30, 1983, the sum of twenty-five thousand (25,000)
 9 dollars, or so much thereof as may be necessary, to
 10 conduct a study of the stress days and grain price
 11 differentials for use in determining agricultural
 12 productivity for purposes of valuing agricultural
 13 land and implementation of the study results by the
 14 department in the equalization order to be issued
 15 by the department of revenue for the January 1, 1983
 16 valuations.”
 17 2. Amend the title, line 5, by inserting after
 18 the word “reservations” the words “and making an
 19 appropriation to the department of revenue for a study
 20 of productivity criteria”.
 21 3. Renumber sections and correct internal
 22 references as are necessary in accordance with this
 23 amendment.

NORMAN RODGERS
 CALVIN O. HULTMAN

S-5683

- 1 Amend the amendment S-5619 to House File 2435
 2 as amended and passed by the House as follows:
 3 1. Page 1, line 10, by striking the word “seek”
 4 and inserting in lieu thereof the word “obtain”.

LUCAS J. DE KOSTER

S-5684

- 1 Amend the House amendment S-5637 to Senate File
 2 2234 as amended, passed and reprinted by the Senate
 3 as follows:
 4 1. Page 1, line 23, by inserting after the word
 5 “system.” the words “If a party to the contested case
 6 proceeding other than the applicant for or permittee
 7 of the alleged interfering well fails to submit

8 estimates or other evidence within a period of time
9 required by the commissioner or council or otherwise
10 engages in dilatory tactics, the commissioner or
11 council may grant an adjournment of the contested
12 case proceeding without requiring compensation or
13 may take those tactics into account in setting
14 compensation."

LUCAS J. DE KOSTER
JACK W. HESTER

S-5685

1 Amend Senate File 2295 as follows:
2 1. Page 7, by striking lines 4 through 14, and
3 inserting in lieu thereof the following: "deducted,
4 shall be deposited in the "municipal assistance fund"
5 and distributed pursuant to chapter 405."

JAMES D. WELLS

S-5686

1 Amend Senate File 2304 as follows:
2 1. Page 37, line 11, by inserting after the word
3 "include" the words "but not be limited to".

JOHN W. JENSEN

S-5687

1 Amend Senate File 2304 as follows:
2 1. Page 31, line 5, by striking the word
3 "determine" and inserting in lieu thereof the words
4 "advise the Iowa state water resource research
5 institute on".

DALE L. TIEDEN

S-5688

1 Amend the House amendment S-5637 to Senate File
2 2234 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking line 44 and inserting in
5 lieu thereof the following: "no grounds for permanent
6 damages.
7 Sec. 2. The following provisions of the rules
8 regulating nonpublic water wells found in Iowa
9 administrative code 470-45, published on June 11,
10 1980 with amendments published on March 18, 1981,

- 11 are void and the following provisions shall be
 12 withdrawn:
- 13 1. 470-45.3 Iowa administrative code.
 - 14 2. 470-45.5(3) and (4) Iowa administrative code.
 - 15 3. 470-45.6(2), (3)"a", (4), (5), (7) and (9)
 - 16 Iowa administrative code.
 - 17 4. 470-45.7(1)"a" and (2) Iowa administrative
 - 18 code.
 - 19 5. 470-45.8(1) Iowa administrative code.
 - 20 6. 470-45.9(1) and (3) Iowa administrative code.
 - 21 7. 470-45.11 Iowa administrative code.
 - 22 8. 470-45.12 Iowa administrative code."

JAMES E. BRILES

S-5689

- 1 Amend the House amendment, S-5566 to Senate File
- 2 268, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 17, by striking line 44 and inserting
- 5 in lieu thereof the following:
- 6 "d. JUDGMENT ENTERED. If [no] sufficient cause
- 7 is *not*".

DONALD V. DOYLE

S-5690

- 1 Amend the House amendment S-5566 to Senate File
- 2 268, as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 17, by striking line 21 and inserting
- 5 in lieu thereof the following: "in [R.Cr.P. 21(2)]
- 6 rule of criminal procedure 21, subsection 2."

DONALD V. DOYLE

S-5691

- 1 Amend the House amendment S-5566 to Senate File
- 2 268 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 15, lines 10 and 11, by striking the words
- 5 "department of social services" and inserting in lieu
- 6 thereof the words "[department of social services]
- 7 *director of the division of adult corrections*".

DONALD V. DOYLE

S-5692

- 1 Amend the House amendment S-5663 to Senate File

2 2091 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, lines 28 and 29, by striking the words
5 "June 30, [1983] 1986" and inserting in lieu thereof
6 the words "[June 30, 1983] December 31, 1985".

7 2. Page 2, line 6, by striking the words "June
8 30, 1983" and inserting in lieu thereof the words
9 "December 31, 1982".

10 3. Page 2, line 8, by striking the word "July"
11 and inserting in lieu thereof the word "January".

12 4. Page 2, line 8, by striking the words "June
13 30, 1984" and inserting in lieu thereof the words
14 "December 31, 1983".

15 5. Page 2, line 10, by striking the word "July"
16 and inserting in lieu thereof the word "January".

17 6. Page 2, line 10, by striking the words "June
18 30, 1985" and inserting in lieu thereof the words
19 "December 31, 1984".

20 7. Page 2, line 11, by striking the word "July"
21 and inserting in lieu thereof the word "January".

22 8. Page 2, line 12, by striking the words "June
23 30, 1986" and inserting in lieu thereof the words
24 "December 31, 1985".

EDGAR H. HOLDEN

S-5693

1 Amend the House amendment, S-5663, to Senate File
2 2091 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 4 the following:

5 "Sec. ____ It is the finding of the general
6 assembly that the development of a stable, efficient,
7 and economically viable fuel alcohol industry in Iowa
8 is in the best interests of both Iowa and the nation
9 inasmuch as:

10 1. The demand for petroleum energy resources
11 remains high in both Iowa and the nation despite
12 significant conservation efforts.

13 2. The continued dependency on foreign sources
14 for these energy resources compromises our national
15 defense capabilities.

16 3. Continued purchases of foreign energy resources
17 causes a substantial flow of revenue from both Iowa
18 and the nation.

19 4. Supplies of traditional nonrenewable energy
20 resources and especially petroleum energy resources
21 are being depleted.

22 5. Fuel alcohol represents a renewable energy

23 resource which can be produced and consumed in Iowa
24 and our nation using present technologies.

25 6. The development of an ethanol industry would
26 benefit the economies of Iowa and the nation.
27 In view of these considerations, the general
28 assembly endorses the development of a fuel alcohol
29 industry in Iowa and enacts this law to assist this
30 industry through the stimulation of the fuel alcohol
31 market."

32 2. Page 1, line 17, by inserting after the word
33 "blend" the following: "and shall also post on the
34 container or pump a notice, in letters at least one-
35 half inch high, stating the percentage of the ethanol
36 mix of the motor vehicle fuel being sold".

37 3. Page 1, by inserting after line 17 the
38 following:

39 "Sec. ____ Section 323.1, unnumbered paragraph
40 1, Code 1981, is amended to read as follows:

41 When used in this [chapter] *division*, unless the
42 context otherwise requires:

43 Sec. ____ Section 323.9, Code 1981, is amended
44 to read as follows:

45 323.9 VIOLATIONS. Any person violating the
46 provisions of this [chapter] *division* is guilty of a
47 simple misdemeanor.

48 Sec. ____ Section 323.10, Code 1981, is amended
49 to read as follows:

50 323.10 INTENT. The provisions of this [chapter]

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1 *division* are enacted in the exercise of the police
2 powers of this state for the purpose of protecting
3 the health, safety and general welfare of the people
4 of this state and because methods and practices in
5 the marketing and distribution of motor fuel and
6 special fuel have impaired the availability to the
7 public of the fuel and the services supplied by
8 distributors and dealers who have entered into a
9 franchise agreement with their respective suppliers.

10 Sec. ____ Section 323.13, Code 1981, is amended
11 to read as follows:

12 323.13 WAIVER. Any provision of a dealer franchise
13 or distributor franchise which is an attempted waiver
14 of the benefits of this [chapter] *division* shall be
15 void and unenforceable.

16 Sec. ____ Chapter 323, Code 1981, is amended by
17 adding sections 701 through 706 of this Act as a new
18 division.

19 Sec. 701. *NEW SECTION. DEFINITIONS.* As used
20 in this division, unless the context otherwise
21 requires:

22 1. "Ethanol" means ethyl alcohol distilled from
23 agricultural products grown in the United States which
24 is intended to be and is capable of being used for
25 the purpose of propelling or running by combustion
26 any internal combustion engine.

27 2. "Ethanol producer" means a producer of ethanol
28 in this state.

29 3. "Permit holder" means an ethanol producer which
30 holds a valid ethanol production incentive permit
31 issued by the department of revenue.

32 4. "Fiscal year" means the twelve-month period
33 beginning July 1 of each year.

34 Sec. 702. *NEW SECTION. APPROPRIATION--ETHANOL*
35 *PRODUCTION INCENTIVE FUND.* Effective July 1, 1982,
36 there is appropriated annually from the general fund
37 of the state an amount necessary to pay the production
38 incentive provided in section 704 of this Act with
39 a maximum annual appropriation of one million
40 (1,000,000) dollars. These moneys shall be credited
41 to the "ethanol production incentive fund" which is
42 hereby created and the fund shall be distributed as
43 provided in this division.

44 Sec. 703. *NEW SECTION. ETHANOL PRODUCTION*
45 *INCENTIVE PERMIT.* An ethanol producer, before
46 receiving incentive funds under this division, shall
47 obtain an ethanol production incentive permit from
48 the department of revenue. Application for the permit
49 shall be made to the department of revenue on a form
50 provided by the department of revenue. The application

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1 shall include the name and address of the applicant,
2 shall contain an estimate of the annual ethanol
3 production of the applicant, and shall contain other
4 information as required under rules of the department
5 of revenue. The department of revenue, when satisfied
6 that the applicant has met all requirements, shall
7 issue an ethanol production incentive permit to the
8 applicant. An ethanol production incentive permit
9 expires on June 30 of each year, unless sooner revoked
10 by the department of revenue. An ethanol production
11 incentive permit shall not be assigned by a permit
12 holder. Only one ethanol production incentive permit
13 may be issued for any ethanol plant during a fiscal
14 year.

15 Sec. 704. *NEW SECTION. PRORATION OF ETHANOL*
16 *PRODUCTION INCENTIVE FUND.* An ethanol producer is
17 entitled to receive monthly from the director of
18 revenue a production incentive from the ethanol
19 production incentive fund on the first million gallons
20 of ethanol produced by the ethanol producer during
21 each fiscal year. The amount of the production
22 incentive is twelve cents per gallon for ethanol that
23 is at least one hundred ninety proof, and ten cents
24 per gallon for ethanol which is less than one hundred
25 ninety proof. However, an ethanol producer is entitled
26 to the production incentive only for ethanol which
27 is produced for the first time by the ethanol producer,
28 only for ethanol produced during months that the
29 producer holds a valid ethanol production incentive
30 permit, and only for ethanol which is produced,
31 blended, and sold in the state. The incentive payment
32 is subject to proration as provided in this section.
33 In order to qualify for an incentive payment for
34 ethanol produced during a month, a permit holder
35 shall, within thirty days of the conclusion of the
36 month, certify to the director of revenue the number
37 of gallons and proof of ethanol produced by the permit
38 holder in the state, shall submit or revise an estimate
39 of the holder's fiscal year ethanol production and
40 shall submit such other information as required under
41 rules of the department of revenue. Incentive payments
42 shall be paid by the director of revenue to qualified
43 permit holders within sixty days of receipt of the
44 holder's certification. The director of revenue shall
45 estimate the anticipated ethanol production by permit
46 holders in the state, and if the director finds that
47 the production of ethanol is such that moneys
48 appropriated for the ethanol production incentive
49 fund are not sufficient to permit payment of the full
50 production incentive, the director of revenue shall

Page 4

1 distribute the production incentive payment for each
2 permit holder in a manner that the annual appropriation
3 for the ethanol production incentive fund is prorated
4 to each permit holder based on the ratio that the
5 permit holder's ethanol production bears to the total
6 ethanol production by permit holders in the state.
7 However, the director of revenue shall not include
8 in this calculation production of ethanol by a permit
9 holder in excess of one million gallons per fiscal
10 year.

11 Sec. 705. *NEW SECTION. RULES.* The department
 12 of revenue shall adopt rules pursuant to chapter 17A
 13 as necessary to carry out the provisions of this
 14 division.

15 Sec. 706. *NEW SECTION. FRAUD—PERMIT REVOCATION—*
 16 *-CIVIL PENALTY.* An ethanol producer who knowingly
 17 makes false certification of ethanol production, false
 18 claim, or false application under section 703 or 704
 19 of this Act is not eligible to receive a production
 20 incentive under this division. Such producer shall
 21 pay to the department of revenue an amount equal to
 22 the production incentive received by the producer
 23 for production during the fiscal years in which the
 24 producer made false certification, false claim, or
 25 false application, and shall in addition pay to the
 26 department of revenue a civil penalty of five hundred
 27 dollars. The ethanol production incentive permit
 28 shall be revoked by the department of revenue for
 29 any ethanol producer who is ineligible under this
 30 section to receive a production incentive and the
 31 ethanol producer shall remain ineligible to receive
 32 an ethanol production incentive permit in subsequent
 33 years.”

34 4. Page 2, line 29, by inserting after the word
 35 “fuel” the words “including an appropriation”.

36 5. By renumbering sections and internal references
 37 as necessary.

BERL E. PRIEBE
 NORMAN RODGERS
 ELVIE L. DREESZEN
 RICHARD VANDE HOEF
 JAMES D. WELLS
 EMIL J. HUSAK
 ALVIN V. MILLER

S-5694

1 Amend the Murray amendment S-5679 to Senate

2 File 2304 as follows:

3 1. Page 1, by inserting after line 1 the
 4 following:

5 “____ Page 2, by striking lines 15 through 21.”

JOHN S. MURRAY

S-5695

1 Amend House File 744 as amended, passed, and

2 reprinted by the House, as follows:

- 3 1. Page 1, by inserting after line 26 the
 4 following:
 5 "Sec. ____ Section 811.2, subsection 1, Code 1981,
 6 is amended by adding the following new unnumbered
 7 paragraph:
 8 *NEW UNNUMBERED PARAGRAPH.* Where the magistrate
 9 determines that the release of the defendant pursuant
 10 to this chapter, may pose a threat to the safety of
 11 a victim or a witness, the magistrate may direct a
 12 law enforcement officer or agency to provide assistance
 13 and services to assure the safety of the victim or
 14 witness."
 15 2. By renumbering to conform to this amendment.

BOB CARR

S-5696

- 1 Amend Senate File 2304 as follows:
 2 1. Page 41, by striking line 8 and inserting in
 3 lieu thereof the figure "112,840,000".
 4 2. Page 41, line 11, by striking the word and
 5 figure "and 5" and inserting in lieu thereof the word
 6 and figures ", 5, and 7".
 7 3. Page 41, by inserting after line 31 the
 8 following:
 9 "[Pharmacists] *Pharmacies* in this state [who] *which*
 10 reduce the charges of prescription drugs to persons
 11 participating in private, third-party payor
 12 prescription drug insurance or benefit plans or to
 13 the insurance or benefit plans shall also reduce by
 14 the same amount the charges to persons participating
 15 in the medical assistance program or to the program.
 16 *For the purpose of this unnumbered paragraph, the*
 17 *reduction of charges includes the discounting of*
 18 *deductibles or coinsurance payable by plan participants*
 19 *or the distribution of free merchandise directly or*
 20 *indirectly through coupon or rebate programs to plan*
 21 *participants. The board of pharmacy examiners shall*
 22 *adopt rules under section 17A.4, subsection 2 and*
 23 *section 17A.5, subsection 2, paragraph b to insure*
 24 *that pharmacists reduce charges by the same amount*
 25 *to both third-party payors and the medical assistance*
 26 *program and that copayment requirements are applied*
 27 *equally to both third-party payors and the medical*
 28 *assistance program. The rules shall become effective*
 29 *immediately upon filing, unless a later effective*
 30 *date is specified in the rules.*
 31 *Effective October 1, 1982, a professional dispensing*
 32 *fee reimbursement of fifty cents per prescription,*

33 *in addition to the ordinary professional dispensing*
 34 *fee reimbursement, shall be made for the selection*
 35 *of equivalent drug products which are less expensive*
 36 *than those prescribed by the physician and which*
 37 *result in a cost savings to the medical assistance*
 38 *program of at least one dollar and fifty cents per*
 39 *prescription."*

40 4. Page 41, by inserting after line 34 the
 41 following:

42 "NEW UNNUMBERED PARAGRAPH. Effective October 1,
 43 1982, medical assistance reimbursement rates for
 44 hospitals shall be established on a prospective basis.
 45 The department of social services shall not change
 46 the method of reimbursement for the state mental
 47 health institutes."

48 5. Page 42, by inserting after line 29 the
 49 following:

50 "NEW UNNUMBERED PARAGRAPH. Notwithstanding Acts

Page 2

1 of the Sixty-ninth General Assembly, 1981 Session,
 2 chapter 7, section 3, subsection 2, unnumbered para-
 3 graph 6, medical assistance payments for all mandatory
 4 and optional services, except for intermediate care
 5 facility services, intermediate care facility services
 6 for the mentally retarded, services provided to
 7 recipients in state mental health institutes, and
 8 medical transportation services other than ambulance
 9 services, shall be reduced by a factor of two and
 10 one-half percent. However, the two and one-half
 11 percent reduction shall not apply to reimbursements
 12 for the ingredient cost of prescription drugs or to
 13 physician reimbursements or to hospital reimburse-
 14 ments beginning October 1, 1982."

15 6. Page 53, line 16, by inserting after the word
 16 "project," the words "hospital reimbursements based
 17 on a prospective basis, percentage reductions of
 18 reimbursements for most mandatory and optional
 19 services,".

20 7. Page 53, line 23, by inserting after the word
 21 "to" the words "professional prescription drug
 22 dispensing fee reimbursements,".

23 8. Page 53, line 25, by inserting after the word
 24 "sections" the figure "87,".

ARNE WALDSTEIN
 TOM SLATER
 RICHARD VANDE HOEF
 JOE BROWN

S-5697

- 1 Amend the House amendment S-5566 to Senate File
- 2 268 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 6, line 37, by inserting after the word
- 5 "labor," the words "*suited to the inmate's strength*
- 6 *and attainments*,".

DONALD V. DOYLE

S-5698

- 1 Amend the House amendment S-5566 to Senate File
- 2 268 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 10, line 46, by striking the words "[shall]
- 5 *may*" and inserting in lieu thereof the word "shall".

DONALD V. DOYLE

S-5699

- 1 Amend the House amendment S-5566 to Senate
- 2 File 268 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 16, lines 34 and 35, by striking the
- 5 words "department of social services" and inserting
- 6 in lieu thereof the words "[department of social
- 7 services] *director of the division of adult corrections*".

DONALD V. DOYLE

S-5700

- 1 Amend the House amendment S-5566 to Senate File
- 2 268 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 18, by striking lines 27 through 34 and
- 5 inserting in lieu thereof the following: "to July
- 6 1, 1983.
- 7 Sec. 58. Sections 9 through 13 take effect
- 8 July 1, 1982 and are repealed June 30, 1986.
- 9 Sections 7, 17, 24, 55, 56, 57 and 58 take effect
- 10 July 1, 1983.
- 11 Sections 1 through 6, 8, 14 through 16, 18 through
- 12 22, and 26 through 54, take effect July 1, 1983 and
- 13 apply to inmates sentenced for offenses committed
- 14 after July 1, 1983."

DONALD V. DOYLE

S-5701

1 Amend the House amendment S-5566 to Senate File 268
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 10, by striking lines 24 through 38 and
5 inserting in lieu thereof the following:

6 *"The board of parole shall promulgate rules pursuant*
7 *to chapter 17A of the Code, setting guidelines as to*
8 *the timing and frequency of parole interviews and*
9 *paroles, as to the shortest possible time of incarceration*
10 *which an offender shall serve prior to eligibility for*
11 *release on parole or by the accrual of good conduct*
12 *time, and rules as to the length and conditions of*
13 *paroles and supervised releases. These rules shall*
14 *take into consideration the offender's past conviction*
15 *record including the number of prior forcible felonies,*
16 *nonforcible felonies, and aggravated misdemeanors,*
17 *the length of time since conviction for the prior*
18 *offenses, use of a dangerous weapon as defined by*
19 *section 702.7 in the commission of the offense and*
20 *other relevant factors."*

LUCAS J. DE KOSTER

S-5702

1 Amend the House amendment, S-5663, to Senate
2 File 2091 as amended, passed and reprinted by the
3 Senate, as follows:

4 1. Page 1, by inserting after line 17 the
5 following:

6 "Sec. ____ Section 324.2, Code 1981, is amended
7 by adding the following new subsection:

8 *NEW SUBSECTION. "Average weekly wholesale price*
9 *of unleaded gasoline" means the average of the week's*
10 *daily wholesale prices of unleaded gasoline as*
11 *published in The Wall Street Journal. For purposes*
12 *of this subsection a week means a seven day period*
13 *beginning on Sunday."*

14 2. Page 1, by striking lines 28 and 29 and
15 inserting in lieu thereof the following: "for the
16 period beginning July 1, 1978 and ending [June 30, 1983]
17 the last day of the month following the month in
18 which the average weekly wholesale price of unleaded
19 gasoline reaches one dollar and forty cents per gallon
20 and except as otherwise provided in".

21 3. Page 2, by striking lines 2 through 12 and
22 inserting in lieu thereof the following: "June 30,
23 [1983] 1982, and excise tax of eight cents per gallon
24 for the period beginning July 1, 1982 and ending on
25 the last day of the month following the month in which

26 *the average weekly wholesale price of unleaded gasoline*
 27 *reaches one dollar and ten cents per gallon, an excise*
 28 *tax of ten cents per gallon for the period beginning the*
 29 *first day of the second month following the month in*
 30 *which the average weekly wholesale price of unleaded*
 31 *gasoline reaches one dollar and ten cents per gallon and*
 32 *ending on the last day of the month following the month*
 33 *in which the average weekly wholesale price of unleaded*
 34 *gasoline reaches one dollar and twenty cents per gallon,*
 35 *an excise tax of eleven cents per gallon beginning on*
 36 *the first day of the second month following the month*
 37 *in which the average weekly wholesale price of unleaded*
 38 *gasoline reaches one dollar and twenty cents per gallon*
 39 *and ending on the last day of the month following the*
 40 *month in which the average weekly wholesale price of*
 41 *unleaded gasoline reaches one dollar and thirty cents*
 42 *per gallon, an excise tax of twelve cents per gallon*
 43 *beginning the first day of the second month following*
 44 *the month in which the average weekly wholesale price*
 45 *of unleaded gasoline is one dollar and thirty cents per*
 46 *gallon and ending the last day of the month following*
 47 *the month in which the average weekly wholesale price of*
 48 *unleaded gasoline reaches one dollar and forty cents*
 49 *per gallon, is imposed upon”.*
 50 4. Page 2, by striking lines 15 through 25 and

Page 2

- 1 inserting in lieu thereof the following:
- 2 “_____ Amend the title, lines 1 through 4, by
- 3 striking the words “, providing an excise tax on ethyl-
- 4 alcohol used by motor vehicles, requiring motor fuel
- 5 distributors to receive a certain percentage of
- 6 ethanol, and providing a penalty”.
- 7 5. Renumber as
- 8 necessary.

RICHARD VANDE HOEF
 ELVIE L. DREESZEN
 BERL E. PRIEBE
 ALVIN V. MILLER
 C. JOSEPH COLEMAN
 EMIL J. HUSAK
 RAY TAYLOR
 ARNE WALDSTEIN
 NORMAN RODGERS

S-5703

- 1 Amend the House amendment S-5566 to Senate File

2 268 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking line 3 through page 4,
5 line 27.

6 2. Page 4, line 29, by striking the word "eleven"
7 and inserting in lieu thereof the word "thirteen".

8 3. Page 4, by striking line 47 through page 5,
9 line 3, and inserting in lieu thereof the following:

10 "9. Four public members appointed by the governor
11 who shall have knowledge of penology or correctional
12 institutions."

13 4. Page 5, by striking lines 25 through 27 and
14 inserting in lieu thereof the words "suspended
15 sentences."

16 5. Page 5, line 28, by striking the word "may"
17 and inserting in lieu thereof the word "shall".

18 6. Page 5, by striking lines 30 through 38 and
19 inserting in lieu thereof the following: "and to
20 the governor, regarding changes in the laws of
21 sentencing, the criminal code, criminal procedures,
22 the rules of the department of social services
23 concerning correctional institutions, and regarding
24 other aspects of sentencing."

25 7. Page 6, by striking line 2 through page 18,
26 line 34 and inserting in lieu thereof the following:

27 "Sec. ____ This Act takes effect July 1, 1982
28 and is repealed June 30, 1986."

DONALD V. DOYLE

S-5704

1 Amend the House amendment S-5566 to Senate File
2 268 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 8, line 15, by inserting after the word
5 "release," the words "community service sentencing,".

DONALD V. DOYLE

S-5705

1 Amend the House amendment S-5566 to Senate File
2 268 as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 9, line 19, by inserting after the word
5 "services" the words "*or the director of the division*
6 *of adult corrections*".

DONALD V. DOYLE

S-5706

- 1 Amend Senate File 2299 as follows:
- 2 1. Page 5, by inserting after line 5 the
- 3 following new section:
- 4 "Sec. ____ Chapter 551A, Code 1981, is repealed
- 5 effective January 1, 1983."

EDGAR H. HOLDEN
 RICHARD COMITO
 GEORGE R. KINLEY
 DICK RAMSEY
 MICK LURA
 GARY L. BAUGHER
 WILLIAM D. PALMER
 RICHARD F. DRAKE

S-5707

- 1 Amend House File 2426 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 5, line 34, by striking the word "shall"
- 4 and inserting in lieu thereof the word "may".
- 5 2. Page 8, line 18, by striking the words "making
- 6 a" and inserting in lieu thereof the words "which shall
- 7 include the chief medical officer's".
- 8 3. Page 8, line 28, by striking the words "on the"
- 9 and inserting in lieu thereof the words "of the chief
- 10 medical officer's".
- 11 4. Page 9, line 14, by striking the words "facility
- 12 administrator's" and inserting in lieu thereof the words
- 13 "chief medical officer's".
- 14 5. Page 9, lines 28 and 29, by striking the word
- 15 "facility administrator" and inserting in lieu thereof
- 16 the words "chief medical officer".
- 17 6. Page 11, line 13, by inserting after the word
- 18 "whether" the words "in the opinion of the chief medical
- 19 officer".
- 20 7. Page 11, line 24, by inserting after the word
- 21 "whether" the words "in the opinion of the chief
- 22 medical officer".
- 23 8. Page 13, lines 31 and 32, by striking the words
- 24 "administrator of the facility" and inserting in lieu
- 25 thereof the words "chief medical officer".
- 26 9. Page 14, line 4, by inserting after the word
- 27 "administrator" the words "in consultation with the
- 28 chief medical officer".
- 29 10. Page 15, line 31, by inserting after the word
- 30 "continue" the words "or is otherwise deemed medically
- 31 necessary by the chief medical officer".

32 11. Page 16, line 19, by striking the word "unless"
 33 and inserting in lieu thereof the words "except for
 34 treatment provided pursuant to sections 8 and 18 of
 35 this Act. If".

36 12. Page 16, line 20, by striking the words "in
 37 which case".

38 13. Page 16, by striking lines 22 through 33 and
 39 inserting in lieu thereof the following: "person's
 40 refusal. If the person refuses treatment which in the
 41 opinion of the chief medical officer is necessary or
 42 if the person is incompetent and the next of kin or
 43 guardian refuses to consent to the treatment or no
 44 next of kin or guardian is available the facility may
 45 petition a court of appropriate jurisdiction for
 46 approval to treat the person."

JULIA GENTLEMAN

S-5708

1 Amend Senate File 2304 as follows:

2 1. Page 28, by striking line 24 through page 29,
 3 line 7 and inserting in lieu thereof the following:
 4 "Sec. 57. *NEW SECTION. PAYMENT OF TAX.*
 5 Notwithstanding the requirement for monthly payment
 6 of the excise tax in Acts of the Sixty-ninth General
 7 Assembly, Second Extraordinary 1981 Session, chapter
 8 3, sections 24 and 26, if it is reasonably expected,
 9 as determined by rules prescribed by the director,
 10 that a railroad company's annual tax liability will
 11 not exceed one thousand two hundred dollars for a
 12 calendar year, the railroad company may request and
 13 the director may grant permission, in lieu of the
 14 requirement for monthly payment of tax, that the tax
 15 shall be payable on a calendar year basis. The tax
 16 is due and payable no later than January 31 following
 17 each calendar year in which the railroad company
 18 carried on business."

RICHARD F. DRAKE
 DALE L. TIEDEN

S-5709

1 Amend Senate File 2304 as follows:

2 1. Page 24, line 4, by striking the word "Ten"
 3 and inserting in lieu thereof the word "Fifteen".
 4 2. Page 24, line 30, by striking the word "ten"
 5 and inserting in lieu thereof the word "fifteen".

SUE YENGER

S-5710

1 Amend Senate Concurrent Resolution 128 as follows:
 2 1. Page 5, by inserting after line 20 the
 3 following:
 4 "BE IT FURTHER RESOLVED, That if the cost of
 5 construction of the law building at the State
 6 University of Iowa and the cost of the issuance of
 7 bonds are twenty-three million one hundred seventy-
 8 five thousand dollars, or less, the state board of
 9 regents is authorized to undertake and carry out the
 10 following project and to pay an amount not to exceed
 11 two hundred thousand (200,000) dollars from moneys
 12 borrowed and negotiable revenue bonds issued under
 13 chapter 262A pursuant to this Senate Concurrent
 14 Resolution during the fiscal year ending June 30,
 15 1983:
 16 *Iowa State University*
 17 Planning for veterinary medicine
 18 clinic conversion for use by
 19 industrial education"

JOHN N. NYSTROM
BASS VAN GILST

S-5711

1 Amend Senate File 2304 as follows:
 2 1. Page 17, by inserting after line 2 the
 3 following:
 4 "Sec. ____ Acts of the Sixty-ninth General
 5 Assembly, 1981 Session, chapter 8, section 9,
 6 subsection 3, paragraph c, is amended to read as
 7 follows:
 8 c. Cooperative extension
 9 service in agriculture and home
 10 economics
 11 For salaries, support,
 12 maintenance, and miscellaneous
 13 purposes \$ 8,048,331 \$ [8,436,406]
 14 8,646,406
 15 *It is the intent of the general assembly that from*
 16 *funds appropriated in this paragraph, two hundred*
 17 *ten thousand (210,000) dollars shall be expended*
 18 *during the fiscal year beginning July 1, 1982 and*
 19 *ending June 30, 1983 to match federal funds to be*
 20 *used to fund the center for industrial research and*
 21 *services."*
 22 2. By numbering and renumbering sections and
 23 correcting internal references as necessary.

FORREST V. SCHWENGELS

S-5712

1 Amend the House amendment S-5566 to Senate File
 2 268 as amended, passed and reprinted by the Senate
 3 as follows:
 4 1. Page 3, line 42, by inserting after the word
 5 "released." the words "An inmate shall not be
 6 discharged from the custody of the director of adult
 7 corrections unless the inmate shall first have been
 8 subject to supervised release for at least sixty days
 9 prior to such discharge."

LUCAS J. DE KOSTER

S-5713

1 Amend House File 2477 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 8, line 28, by inserting after the word
 4 "services," the words "the university of Iowa hospitals
 5 and clinics,".

SUE YENGER

S-5714

1 Amend Senate File 2304 as follows:
 2 1. Page 15, by inserting after line 15 the
 3 following:
 4 "Sec. ____ Acts of the Sixty-ninth General
 5 Assembly, chapter 8, section 8, subsection 1, is amended
 6 by adding the following new paragraph:
 7 *NEW PARAGRAPH.* For
 8 allocation to the area
 9 education agency 7 teacher
 10 center \$ \$ 75,000
 11 The department of public instruction shall review
 12 the function and operation of the teacher center in
 13 area education agency 7 and make a recommendation
 14 to the general assembly not later than January 15,
 15 1983 as to whether additional teacher centers should
 16 be established in other area education agencies."
 17 2. By numbering and renumbering sections and
 18 correcting internal references as necessary.

TED ANDERSON

S-5715

1 Amend Senate Joint Resolution 2004 as follows:
 2 1. Page 1, lines 10 and 11, by striking the words

- 3 "construction of a new state historical building or
 4 center" and inserting in lieu thereof the words
 5 "renovation, restoration and needed repairs of the
 6 state capitol building".
 7 2. Page 1, by striking lines 14 and 15 and
 8 inserting in lieu thereof the words "bequest for
 9 projects other than renovation, restoration or needed
 10 repairs of the state capitol building as selected
 11 by the general assembly and".
 12 3. Page 1, lines 19 and 20, by striking the words
 13 "new historical building or center" and inserting
 14 in lieu thereof the words "renovation, restoration
 15 or needed repairs of the state capitol building".
 16 4. Page 1, lines 23 and 24, by striking the words
 17 "building or center" and inseting in lieu thereof
 18 the words "renovation, restoration or needed repairs".
 19 5. Page 1, by striking lines 25 through 28.
 20 6. Page 2, by striking line 2 and inserting in
 21 lieu thereof the words "renovation, restoration or
 22 needed repairs of the state capitol building."
 23 7. By renumbering the sections to conform with
 24 this amendment.

TED ANDERSON
 STEPHEN W. BISENIUS

S-5716

- 1 Amend Senate File 2304 as follows:

DIVISION S—5716A

- 2 1. Page 29, by striking lines 14 through 26.

DIVISION S—5716B

- 3 2. Page 29, line 28, by striking the words
 4 "subsections 1 and 3, are" and inserting in lieu
 5 thereof the words "subsection 1, is".
 6 3. Page 30, by striking lines 1 through 8.

CLARENCE CARNEY
 TED ANDERSON

S-5718

- 1 Amend Senate File 2304 as follows:
 2 1. Page 49, line 7, by inserting after the figure
 3 "1983." the words "However, if the social services
 4 block grant funds received from the federal government

5 are less than the amounts appropriated in Acts of
6 the Sixty-ninth General Assembly, 1982 Session, House
7 File 2274, division III for the fiscal year beginning
8 July 1, 1982, and ending June 30, 1983, the eligibility
9 level and priorities established in this section shall
10 be adjusted by the department of social services in
11 accordance with the procedure for reduced federal
12 funds in Acts of the Sixty-ninth General Assembly,
13 1982 Session, House File 2274, division VI."

ARNE WALDSTEIN

S-5719

1 Amend Senate File 2304 as follows:
2 1. Page 38, by striking line 21 and inserting
3 in lieu thereof the figure "14,674,700".
4 2. Page 38, by striking line 30 and inserting
5 in lieu thereof the words and figures "54,554,000
6 Sec. 84. Acts of the Sixty-ninth General Assembly,
7 1981 Session, chapter 7, section 3, subsection 1,
8 paragraph c, is amended by striking the paragraph
9 and inserting in lieu thereof the following:
10 c. For the fiscal period beginning July 1, 1982,
11 and ending March 31, 1983, the department of social
12 services shall provide benefits under an unemployed
13 parent program under the aid to families with dependent
14 children program. In determining the amount of a
15 grant under the program, the spouse of an unemployed
16 parent shall be excluded from the eligible group.
17 Medical assistance shall be available to the spouse
18 of an unemployed parent. The department of social
19 services shall require income maintenance workers
20 to monitor the job search requirements under the
21 program which shall at a minimum require unemployed
22 parents to meet the job search requirements necessary
23 to receive unemployment compensation benefits under
24 the Iowa administrative code 370-4.22(1)"c". The
25 department of social services shall request a waiver
26 from the United States department of health and human
27 services to limit grants under the unemployed parent
28 program to six months for any eligible group. Upon
29 approval of the waiver, the department of social
30 services shall immediately implement the six-month
31 limitation."
32 3. By striking page 38, line 34 through page 39,
33 line 4.
34 4. Page 39, by striking lines 25 through 33.
35 5. Page 41, by striking line 8 and inserting in
36 lieu thereof the figure "113,834,000".

37 6. Page 41, lines 10 and 11, by striking the words
38 and figures "paragraphs 2 and 5, are" and inserting
39 in lieu thereof the words and figure "paragraph 5,
40 is".

41 7. Page 41, by striking lines 12 through 16.

42 8. Page 43, by striking line 29 and inserting
43 in lieu thereof the figure "1,739,000".

44 9. Page 43, by inserting after line 29 the
45 following:

46 "Sec. ____ Acts of the Sixty-ninth General
47 Assembly, 1981 Session, chapter 7, section 3,
48 subsection 4, is amended to read as follows:

49 4. For work and training
50 programs \$ 62,000 \$ [62,000]

Page 2

1 9,000".

2 10. By striking page 46, line 16 through page 47,
3 line 13.

4 11. By striking page 49, line 20 through page 50,
5 line 8.

6 12. Page 53, by striking lines 24 and 25 and
7 inserting in lieu thereof the following:

8 "the unemployed parent program under the
9 aid to families with dependent children program and
10 residential care facility reimbursements in sections
11 84 and 91 of this Act, and".

12 13. By numbering and renumbering
13 as necessary.

ARNE WALDSTEIN
JOHN S. MURRAY
TOM SLATER
SUE YENGER
BOB CARR

S-5720

1 Amend Senate File 2304 as follows:

2 1. Page 53, by striking lines 6 through 12.

LUCAS J. DE KOSTER

S-5721

1 Amend Senate File 2304 as follows:

2 1. Page 37, by striking line 7, and inserting in
3 lieu thereof the words "The office of the governor".

4 2. Page 37, line 10, by striking the words

- 5 "justices of the supreme court" and inserting in lieu
6 thereof the words "office of the governor".
7 3. Page 37, line 19, by striking the words
8 "court administrator" and inserting in lieu thereof
9 the words "office of the governor".
10 4. Page 37, lines 23 and 24, by striking the words
11 "court administrator of the judicial department" and
12 inserting in lieu thereof the words "office of the
13 governor".

BOB RUSH
ARTHUR A. SMALL, JR.

S-5722

- 1 Amend Senate File 2304 as follows:
2 1. Page 5, lines 33, 34 and 35, by striking the
3 words "*A purchase order for ten thousand dollars or*
4 *less payable from the fund is exempt from the*
5 *general purchasing requirements of chapter 18.*"

BERL E. PRIEBE

S-5723

- 1 Amend the amendment, S-5719, to Senate File 2304,
2 as follows:
3 1. Page 2, by striking lines 4 and 5.

SUE YENGER

S-5724

- 1 Amend Senate File 2304 as follows:
2 1. Page 36, by inserting after line 1 the
3 following:
4 "Sec. ____ The membership of district judicial
5 nominating commissions for judicial election districts
6 5A and 5C, as those judicial election districts are
7 established by Acts of the Sixty-ninth General
8 Assembly, 1982 Session, Senate File 276, section ____
9 (referred to in this section as Senate File 276),
10 shall be as provided in chapter 46, subject to the
11 following transition provisions:
12 1. Those judicial nominating commissioners of
13 judicial election district 5A who are residents of
14 Polk County on the effective date of Senate File 276
15 shall be disqualified from serving in that judicial
16 election district as of the effective date of Senate
17 File 276 and their offices shall be deemed vacant.
18 These vacancies shall be filled as provided in sec-

19 tion 46.5 and for the remainder of the unexpired
20 terms.

21 2. The governor shall appoint five eligible
22 electors of judicial election district 5C to the
23 district judicial nominating commission for that
24 district for terms commencing on the effective date
25 of Senate File 276. Two of the appointees shall serve
26 terms ending April 30, 1984, two of the appointees
27 shall serve terms ending April 30, 1986, and the
28 remaining appointee shall serve a term ending April
29 30, 1988. At the end of each of these terms the
30 governor shall appoint commissioners for six-year
31 terms pursuant to section 46.3.

32 3. Elective judicial nominating commissioners
33 shall be elected for judicial election district 5A
34 in the manner provided in chapter 46 and for terms
35 commencing on the effective date of Senate File 276.
36 Two of those elected shall serve terms ending April
37 30, 1984, two shall serve terms ending April 30, 1986,
38 and the remaining member shall serve a term ending
39 April 30, 1988, as determined by the drawing of lots
40 by the persons elected. At the end of these terms,
41 elective commissioners shall be elected for six-year
42 terms pursuant to chapter 46.

43 4. An appointment or election required by
44 subsection 1, 2, or 3 may be done at any time after
45 the effective date of this Act, but persons so
46 appointed or elected shall not take office until the
47 effective date of Senate File 276.

48 5. As soon as practicable after the effective
49 date of Senate File 276 the supreme court administrator
50 shall recompute, as provided in section 602.18, the

Page 2

1 number of judgeships to which each of the judicial
2 election districts as redefined in Senate File 276
3 is entitled. The administrator shall submit the
4 results of this recomputation to the members of the
5 supreme court as soon as it has been completed. The
6 supreme court shall reassign judges between judicial
7 election districts as necessary to maintain continuity
8 of judicial business within the judicial election
9 districts that are affected by Senate File 276.
10 Commencing on the effective date of Senate File 276,
11 vacancies in judicial election districts as redefined
12 in Senate File 276 shall be filled according to section
13 602.18.

14 For purposes of the recomputations required by

15 this subsection, the supreme court administrator shall
16 determine the average case filings for the latest
17 available three-year period by reallocating the actual
18 case filings during the three-year period used to
19 the judicial election districts as they would have
20 existed during the three-year period if Senate File
21 276 had been in effect throughout that period.”
22 2. By renumbering sections.

DICK RAMSEY

S-5725

1 Amend Senate File 2304 as follows:
2 1. Page 5, line 33, by striking the word “ten”
3 and inserting in lieu thereof the word “five”.

BERL E. PRIEBE
ARNE WALDSTEIN

S-5726

1 Amend the amendment, S-5696, to Senate File 2304,
2 as follows:
3 1. Page 1, line 3, by striking the figure
4 “112,840,000” and inserting in lieu thereof the figure
5 “113,310,000”.
6 2. Page 1, lines 42 and 43, by striking the word
7 and figures “October 1, 1982” and inserting in lieu
8 thereof the word and figures “January 1, 1983”.
9 3. Page 2, line 14, by striking the word and
10 figures “October 1, 1982” and inserting in lieu thereof
11 the word and figures “January 1, 1983”.
12 4. Page 2, line 16 and 17, by striking the words
13 “hospital reimbursements based on a prospective
14 basis.”.

BOB RUSH
BERL E. PRIEBE

S-5727

1 Amend the amendment, S-5696, to Senate File 2304,
2 as follows:
3 1. Page 2, line 13, by striking the word “or”
4 and inserting in lieu thereof the words “and shall
5 not apply”.

ARNE WALDSTEIN

S-5728

1 Amend Senate File 2304 as follows:

- 2 1. Page 35, by striking lines 28 through 33 and
- 3 inserting in lieu thereof the following: "605.9.
- 4 *Of the sum appropriated to*".

PATRICK J. DELUHERY
EDGAR H. HOLDEN

S-5729

1 Amend Senate File 2304 as follows:

- 2 1. Page 34, by striking line 3 and inserting in
- 3 lieu thereof the following:
- 4 "youth, and families \$ \$ 1,099,850".

- 5 2. Page 34, by striking line 8 and inserting in
- 6 lieu thereof the following:
- 7 "house \$ \$ 129,400".

8 3. Page 34, line 14, by inserting after the date
9 "1982." the following: "Of the funds appropriated
10 under subparagraph 3, seven thousand six hundred
11 (7,600) dollars shall be used to pay the mileage,
12 meals or other necessary expenses of the advisory
13 commission on intergovernmental relations."

DICK RAMSEY
FORREST V. SCHWENGELS

S-5730

1 Amend Senate File 2304 as follows:

- 2 1. Page 37, by inserting after line 27 the
- 3 following:
- 4 "Sec. ____ DELAYED SALARY, EXPENSE AND BENEFIT

5 ADJUSTMENTS. The annual salary rates or ranges,
6 annual pay adjustments, expense reimbursement, and
7 benefits provided for under Acts of the Sixty-ninth
8 General Assembly, 1981 Session, chapter 9, for the
9 fiscal year beginning July 1, 1982, and ending June
10 30, 1983, shall not take effect unless, as of May
11 1, 1983, the state comptroller projects that the
12 unobligated balance in the general fund of the state
13 on June 30, 1983 will be sixty million dollars or
14 more. If the state comptroller projects an unobligated
15 balance of sixty million dollars or more in the general
16 fund of the state on June 30, 1983, the annual salary
17 rates or ranges, annual pay adjustments, expense
18 reimbursement and benefits provided for the fiscal
19 year beginning July 1, 1982 and ending June 30, 1983,
20 in Acts of the Sixty-ninth General Assembly, 1981
21 Session, chapter 9, shall take effect on May 1, 1983
22 and be retroactive to July 1, 1982."

23 2. By numbering sections to conform to this
24 amendment.

EDGAR H. HOLDEN

HOUSE AMENDMENT TO SENATE FILE 2300

S-5731

1 Amend Senate File 2300 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 11 and
4 inserting in lieu thereof the following:

5 "Section 1. Section 524.706, subsection 1,
6 paragraph a, Code 1981, is amended to read as follows:

7 a. An executive officer of a state bank may receive
8 loans or extensions of credit from a state bank of
9 which [he] *the person* is an executive officer, resulting
10 in obligations as defined in section 524.904,
11 subsection 1, not exceeding, in the aggregate:

12 (1) [Such amount as the bank is permitted to lend
13 pursuant to section 524.905, subsection 2, if, at
14 the time such obligation is incurred, it is] *An amount*
15 secured by a [first] lien on a dwelling which is
16 expected, after the obligation is incurred, to be
17 owned by the executive officer and used [by him] as
18 [his] *the officer's* residence, provided that [at the
19 time] *after* the loan is made there is no other loan
20 by the bank to the executive officer, under authority
21 of this subparagraph, outstanding[; and].

22 (2) An amount not exceeding an aggregate of twenty
23 thousand dollars outstanding at any one time, to
24 finance the education of a child or children of the
25 executive officer[; and].

26 (3) Any other loans or extensions of credit which
27 *in the aggregate do not at any one time exceed ten*
28 *thousand dollars.*

29 (4) *Other amounts which do not, in the aggregate,*
30 *exceed the principal amounts of time certificates*
31 *of deposit in the bank which are held in the name*
32 *of the executive officer, if repayment of the loan*
33 *or credit amounts is at all times secured by pledge*
34 *of the certificates. An interest in or portion of*
35 *a time certificate of deposit does not satisfy the*
36 *requirements of this subparagraph if that interest*
37 *or portion is also pledged to secure the payment of*
38 *a debt or obligation of any person other than the*
39 *executive officer."*

40 2. Page 2, by striking lines 6 through 9 and
41 inserting in lieu thereof the following: "a fiduciary

42 capacity with respect to these funds. A bank receiving
43 funds in escrow pursuant to an escrow agreement
44 executed on or after the effective date of this Act
45 in connection with a loan as defined in section 535.8,
46 subsection 1, shall pay interest to the borrower on
47 those funds, calculated on a daily basis, at the rate
48 the”.

49 3. Page 2, line 11, by striking the words “such
50 an escrow account” and inserting in lieu thereof the

Page 2

1 words “an escrow account in connection with any loan
2 authorized by this section”.

3 4. By striking page 2, line 16 through page 3,
4 line 17 and inserting in lieu thereof the following:

5 “Sec. 3. Section 524.1802, Code 1981, is amended
6 by adding the following new unnumbered paragraph:
7 *NEW UNNUMBERED PARAGRAPH.* No bank holding company
8 shall directly or indirectly acquire ownership or
9 control of more than twenty-five percent of the voting
10 shares of any savings and loan association, or the
11 power to control in any manner the election of a
12 majority of the directors of any savings and loan
13 association, if upon such acquisition the associations
14 so owned or controlled by the bank holding company
15 would have, in the aggregate, more than eight percent
16 of the total deposits, both time and demand, of all
17 associations in this state, as determined by the
18 superintendent on the basis of the most recent reports
19 of the associations in the state to their supervisory
20 authorities which are available at the time of the
21 acquisition.”

22 5. Page 4, by striking lines 18 through 20 and
23 inserting in lieu thereof the following: “to these
24 funds. A credit union receiving funds in escrow
25 pursuant to an escrow agreement executed on or after
26 the effective date of this Act in connection with
27 a loan as defined in section 535.8, subsection 1,
28 shall pay interest to the borrower on those funds,
29 calculated on”.

30 6. Page 4, line 23, by striking the words “such
31 an escrow account” and inserting in lieu thereof the
32 words “an escrow account in connection with any loan
33 authorized by this subsection”.

34 7. Page 15, line 7, by striking the word “Voting”
35 and inserting in lieu thereof the word “VOTING”.

36 8. Page 15, by striking lines 15 and 16 and
37 inserting in lieu thereof the words “shall, unless

38 otherwise specified in the proxy, continue in force
39 for eleven months from the date thereof, *provided*
40 *that upon receipt of a written request for a new proxy*
41 *solicitation that is signed by at least two percent*
42 *of the members of the association, all proxies executed*
43 *prior to the date of receipt of the written request*
44 *shall be void upon the expiration of sixty days*
45 *following the date of receipt of the written request.*
46 No proxies”.

47 9. Page 19, by striking line 28 and inserting
48 in lieu thereof the words and figure “; (10) in capital
49 stock.”.

50 10. Page 19, by striking line 31 and inserting

Page 3

1 in lieu thereof the following: “*shall not exceed*
2 *five percent of the assets of the association at any*
3 *time prior to July 1, 1983, or six percent of assets*
4 *on or after July 1, 1983 and prior to July 1, 1984,*
5 *or seven percent of assets on or after July 1, 1984,*
6 *and prior to July 1, 1985, or eight percent of assets*
7 *on or after July 1, 1985 and prior to July 1, 1986,*
8 *or nine percent of assets on or after July 1, 1986*
9 *and prior to July 1, 1987, or ten percent of assets*
10 *at any time on or after July 1, 1987.”.*

11 11. Page 21, by inserting after line 25 the fol-
12 lowing:

13 “4. In addition to other conditions or
14 restrictions, an association that operates one or
15 more branch offices shall not make a commercial loan
16 or accept a commercial NOW account unless all of those
17 office locations are at places which a bank would
18 be authorized under section 524.1202 to apply for
19 and have approved as bank offices, provided that this
20 subsection does not require an association to close
21 any office if the total number of the association's
22 offices does not exceed the number of offices in
23 existence and operating on the effective date of this
24 Act plus the number of offices in existence and
25 operating on the effective date of this Act of any
26 other state association or federal association with
27 which the association merges on or after the effective
28 date of this Act. This subsection does not apply
29 to an association that makes only those commercial
30 loans and that accepts only those commercial NOW
31 accounts which the association could make or accept
32 if it were a federal association, subject to any
33 provisions, conditions or limitations relating to

34 or imposed upon federal associations in connection
35 with the activity.”

36 12. Page 27, by striking lines 13 through 16 and
37 inserting in lieu thereof the following: “a fiduciary
38 capacity with respect to these funds. An association
39 receiving funds pursuant to an escrow agreement
40 executed on or after the effective date of this Act
41 in connection with a loan as defined in section 535.8,
42 subsection 1, shall pay interest to the borrower on
43 those funds, calculated on a daily basis, at the rate
44 the”.

45 13. Page 27, lines 18 and 19, by striking the
46 words “such an escrow account” and inserting in lieu
47 thereof the words “an escrow account in connection
48 with any real estate loan”.

49 14. Page 28, by inserting after line 22 the follow-
50 ing:

Page 4

1 “The superintendent shall not approve an invest-
2 ment under this subsection if upon making the invest-
3 ment the entity making the investment directly or
4 indirectly would own or control more than twenty-five
5 percent of the voting shares of a savings and loan
6 association or would have the power to control in
7 any manner the election of a majority of the directors
8 of a savings and loan association, unless the super-
9 intendent first determines either that the associa-
10 tion in which the investment is to be made has only
11 those office locations which a bank would be authorized
12 under section 524.1202 to apply for and have approved
13 on the effective date of the proposed investment,
14 or that all nonconforming office locations were in
15 existence and operating on the effective date of this
16 Act. If such an investment is approved by the
17 superintendent, the association so owned or controlled
18 shall not subsequently establish any additional office
19 locations except one which a bank would be authorized
20 under section 524.1202 to apply for and have approved
21 on the date which the proposed office location would
22 commence operations.”

23 15. Page 29, by inserting after line 4 the fol-
24 lowing:

25 “4. No bank shall directly or indirectly acquire
26 ownership or control of more than twenty-five percent
27 of the voting shares of any savings and loan
28 association, or the power to control in any manner
29 the election of a majority of the directors of any

30 savings and loan association, if upon such acquisition
31 the associations so owned or controlled by the bank
32 would have, in the aggregate, more than eight percent
33 of the total deposits, both time and demand, of all
34 associations in this state, as determined by the
35 superintendent on the basis of the most recent reports
36 of the associations in the state to their supervisory
37 authorities which are available at the time of the
38 acquisition."

39 16. Page 33, by inserting after line 2 the
40 following:

41 "NEW SECTION. TEMPORARY MORATORIUM. An association
42 shall not be incorporated under this chapter as a
43 stock association prior to the expiration of three
44 years after the effective date of this Act, except
45 that a state or federal mutual association may be
46 converted to a state stock association under section
47 30 of this Act at any time on or after the effective
48 date of this Act."

49 17. Page 37, line 35, by striking the figure "28"
50 and inserting in lieu thereof the figure "31".

Page 5

1 18. Page 41, line 21, by striking the figure "30"
2 and inserting in lieu thereof the figure "33".

3 19. Page 44, by striking lines 23 through 25 and
4 inserting in lieu thereof the following: "funds.
5 A company receiving funds in escrow pursuant to an
6 escrow agreement executed on or after the effective
7 date of this Act in connection with a loan as defined
8 in section 535.8, subsection 1, shall pay interest
9 to the borrower on those funds, calculated on a daily
10 basis,".

11 20. Page 45, line 4, by striking the words "such
12 an escrow account" and inserting in lieu thereof the
13 words "an escrow account in connection with a loan
14 authorized by this section".

15 21. Page 47, by striking lines 1 through 32.

16 22. Page 47, by inserting after line 32 the fol-
17 lowing:

18 "Sec. ____ . Section 537.1301, subsection 14,
19 paragraph b, subparagraph (2), Code 1981, as amended
20 by Acts of the Sixty-ninth General Assembly, 1981
21 Session, chapter 177, section 3, is amended to read
22 as follows:

23 (2) A debt which is [incurred primarily for the
24 purpose of acquiring real property or refinancing
25 a contract for deed to real property and which is]

26 secured by a first lien on [that] real property and
 27 *which is incurred primarily for the purpose of*
 28 *acquiring that real property, or refinancing a contract*
 29 *for deed to that real property, or constructing on*
 30 *that real property a building containing one or more*
 31 *dwelling units.*

32 23. Page 48, lines 4 and 5, by striking the word
 33 and figures "19, or 33" and inserting in lieu thereof
 34 the word and figures "22, or 36".

35 24. Page 48, line 8, by striking the word and
 36 figures "19, or 33" and inserting in lieu thereof
 37 the word and figures "22, or 36".

38 25. By renumbering as necessary.

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 2369

S-5732

1 Amend the Senate amendment H-5884 to House File
 2 2369 as amended, passed and reprinted by the House,
 3 as follows:

4 1. Page 1, by striking lines 17 through 20.

5 2. Page 2, by striking lines 27 through 44 and
 6 inserting in lieu thereof the following:

7 "9. a. Upon a plea or verdict of guilty of a
 8 third or subsequent violation of this section, the
 9 court in which the plea was entered or the verdict
 10 was returned shall order that the defendant's license
 11 or permit to operate motor vehicles be revoked by
 12 the department and that the defendant shall remain
 13 ineligible for a new license or permit for a period
 14 of six years. Any license or permit to operate motor
 15 vehicles held by the defendant shall be surrendered
 16 to the court who shall forward it to the department
 17 with a copy of the order for revocation.

18 b. After two years from the date of the order
 19 for revocation, the defendant may apply to the court
 20 for restoration of the defendant's eligibility for
 21 a license or permit to operate motor vehicles. The
 22 application may be granted only if all of the following
 23 are shown by the defendant by clear and convincing
 24 evidence:

25 (1) The defendant has completed an evaluation
 26 and, if recommended by the evaluation, a program of
 27 treatment for chemical dependency and is recovering,
 28 or has substantially recovered, from that dependency
 29 on or tendency to abuse alcohol or drugs.

30 (2) The defendant has not been arrested and charged

31 since the date of the revocation order for any
32 subsequent violations of this section or section
33 123.46, or any comparable city or county ordinance,
34 and the defendant's license or permit has not been
35 subject to a subsequent revocation under chapter 321B.

36 (3) The defendant has abstained from the
37 consumption of alcoholic beverages and controlled
38 substances, except at the direction of a licensed
39 physician or pursuant to a valid prescription.

40 (4) The defendant's license or permit is not
41 currently subject to suspension or revocation for
42 any other reason.

43 c. The court shall forward to the department a
44 record of any application submitted under paragraph
45 b and the results of the court's disposition of the
46 application."

47 3. Page 4, by striking lines 14 through 18.

48 4. Page 4, by striking line 27 through page 5,
49 line 7, and inserting in lieu thereof the following:

50 "NEW SECTION. TESTS PURSUANT TO WARRANTS.

Page 2

1 1. Refusal to consent to a test under section
2 321B.3 does not prohibit the withdrawal of a specimen
3 for chemical testing pursuant to a search warrant
4 issued in the investigation of a suspected violation
5 of section 707.5 where the following grounds exist:

6 a. A traffic accident has resulted in a death
7 or personal injury reasonably likely to cause death,
8 and

9 b. There are reasonable grounds to believe that
10 one or more of the persons whose driving may have
11 been the proximate cause of the accident was violating
12 section 321.281 at the time of the accident.

13 2. Search warrants may be issued under this section
14 in full compliance with chapter 808 or they may be
15 issued under subsection 3 of this section.

16 3. Notwithstanding section 808.3, the issuance
17 of a search warrant under this section may be based
18 upon sworn oral testimony communicated by telephone
19 if the magistrate who is asked to issue the warrant
20 is satisfied that the circumstances make it reasonable
21 to dispense with a written affidavit. The following
22 shall then apply:

23 a. When a caller applies for the issuance of a
24 warrant under this section and the magistrate becomes
25 aware of the purpose of the call, the magistrate shall
26 place under oath the person applying for the warrant.

27 b. The person applying for the warrant shall
28 prepare a duplicate warrant and read the duplicate
29 warrant, verbatim, to the magistrate who shall enter,
30 verbatim, what is read to the magistrate on a form
31 that will be considered the original warrant. The
32 magistrate may direct that the warrant be modified.

33 c. The oral application testimony shall set forth
34 facts and information tending to establish the
35 existence of the grounds for the warrant and shall
36 describe with a reasonable degree of specificity the
37 person or person from whom a specimen is to be
38 withdrawn and the location where the withdrawal of
39 the specimen or specimens is to take place.

40 d. If a voice recording device is available, the
41 magistrate may record by means of that device all
42 of the call after the magistrate becomes aware of
43 the purpose of the call. Otherwise, the magistrate
44 shall cause a stenographic or longhand memorandum
45 to be made of the oral testimony of the person applying
46 for the warrant.

47 e. If the magistrate is satisfied from the oral
48 testimony that the grounds for the warrant exists
49 or that there is probable cause to believe that they
50 exist, the magistrate shall order the issuance of

Page 3

1 the warrant by directing the person applying for the
2 warrant to sign the magistrate's name on the duplicate
3 warrant. The magistrate shall immediately sign the
4 original warrant and enter on its face the exact time
5 when the issuance was ordered.

6 f. The person who executes the warrant shall enter
7 the time of execution on the face of the duplicate
8 warrant.

9 g. The magistrate shall cause any record of the
10 call made by means of a voice recording device to
11 be transcribed, shall certify the accuracy of the
12 transcript, and shall file the transcript and the
13 original record with the clerk. If a stenographic
14 or longhand memorandum was made of the oral testimony
15 of the person who applied for the warrant, the
16 magistrate shall file a signed copy with the clerk.

17 h. The clerk of court shall maintain the original
18 and duplicate warrants along with the record of the
19 telephone call and any transcript or memorandum made
20 of the call in a confidential file until a charge,
21 if any, is filed.

22 4. Search warrants issued under this section shall

23 authorize and direct peace officers to secure the
24 withdrawal of blood specimens by medical personnel
25 under section 321B.4. Reasonable care shall be
26 exercised to ensure the health and safety of the
27 persons from whom specimens are withdrawn in execution
28 of the warrants. If a person from whom a specimen
29 is to be withdrawn objects to the withdrawal of blood,
30 the person is capable of giving a specimen of breath,
31 and a direct breath testing instrument is readily
32 available, the warrant may be executed by the
33 withdrawal of a specimen of breath for chemical
34 testing.

35 5. The act of any person knowingly resisting or
36 obstructing the withdrawal of a specimen pursuant
37 to a search warrant issued under this section
38 constitutes a contempt punishable by a fine not
39 exceeding one thousand dollars or imprisonment in
40 a county jail not exceeding one year or by both such
41 fine and imprisonment. Also, if the withdrawal of
42 a specimen is so resisted or obstructed, sections
43 321B.7 and 321B.11 apply.

44 6. Nonsubstantive variances between the contents
45 of the original and duplicate warrants shall not cause
46 a warrant issued under subsection 3 of this section
47 to be considered invalid.

48 7. Specimens obtained pursuant to warrants issued
49 under this section are not subject to disposition
50 under section 808.9 or chapter 809.

Page 4

3

1 8. Subsections 1 through 7 of this section do
2 not apply where a test may be administered under
3 section 321B.5.

4 9. Medical personnel who use reasonable care and
5 accepted medical practices in withdrawing blood
6 specimens are immune from liability for their actions
7 in complying with requests made of them pursuant to
8 search warrants or pursuant to section 321B.4."

9 5. Page 5, by striking lines 14 through 18 and
10 inserting in lieu thereof the following:

11 "34. Page 12, by striking lines 12 through 17
12 and inserting in lieu thereof the following:

13 "nonresident operating privilege for a period [of not
14 less than one hundred twenty days nor more than one
15 year] equal to one hundred fifty percent of the length
16 of time the person's license would have been revoked
17 under section 12 of this Act if the person had
18 submitted to chemical testing and the test results

- 19 *had shown ten hundredths or more of one percent by*
 20 *weight of alcohol in the blood; or if the person is*
 21 *a resident without a license or permit to operate*
 22 *a motor vehicle in this state, the [director] department*
 23 *shall deny to the person the issuance of a license*
 24 *or permit for the same period a license or permit*
 25 *would be revoked [within one year from the date of*
 26 *the alleged]’.*
 27 6. Page 5, by striking lines 22 and 23.
 28 7. Page 5, by striking lines 28 and 29.

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 2334

S-5733

- 1 Amend the Senate amendment H-5820 to House File
 2 2334 as passed by the House as follows:
 3 1. Page 1, line 22, by striking the words “or
 4 *lessee*” and inserting in lieu thereof the words “,
 5 *lessee, or licensee*”.
 6 2. Page 1, line 33, by striking the words “or
 7 *lessee*” and inserting in lieu thereof the words “,
 8 *lessee, or licensee*”.
 9 3. Page 1, lines 45 and 46, by striking the words
 10 “a railroad right-of-way or other”.
 11 4. Page 1, line 46, by striking the word “it”
 12 and inserting in lieu thereof the words “a railroad
 13 right-of-way”.
 14 5. Page 2, line 5, by striking the word “leasing”
 15 and inserting in lieu thereof the words “holding
 16 leases, licenses, or permits upon”.
 17 6. Page 3, by inserting after line 38 the
 18 following:
 19 “ _____ Title page, lines 3 and 4, by striking the
 20 words “a railroad right-of-way or property adjacent
 21 to it” and inserting in lieu thereof the words “real
 22 property adjacent to a railroad right-of-way”.
 23 _____ Title page, line 6, by striking the words
 24 “the lessees of” and inserting in lieu thereof the
 25 words “persons holding leases, licenses, or permits
 26 upon”.
 27 _____ Title Page, line 11, by inserting after the
 28 word “owners” the words “, lessees, or licensees”.”

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 2339

S-5734

- 1 Amend the Senate amendment H-5882 to House File

2 2339 as follows:

3 1. Page 1, line 8, by striking the word and numeral
4 "subsection 1" and inserting in lieu thereof the
5 following: "subsections 1 and 3".

6 2. Page 1, line 14, by striking the word and
7 numeral "subsection 1" and inserting in lieu thereof
8 the following: "subsections 1 and 3".

9 3. Page 1, by inserting after line 16, the
10 following:

11 "3. Title page, by striking lines 1 and 2 and
12 inserting in lieu thereof the following: "An Act
13 to prohibit bail following conviction of, or a plea
14 or verdict of guilty to, certain felonies." "

S-5735

1 Amend Senate File 2304 as follows:

2 1. Page 9, line 7, by striking the words
3 "Iowa veterans home," and inserting in lieu thereof
4 the words "[Iowa veterans home,]".

GARY L. BAUGHER

S-5736

1 Amend Senate Concurrent Resolution 128 as follows:

2 1. Page 4, by striking lines 5 through 10 and
3 inserting in lieu thereof the following: "the
4 authorization to undertake and carry out certain
5 additional projects at this time and to finance their
6 cost by borrowing money and issuing negotiable bonds
7 under chapter 262A, during the fiscal year ending
8 June 30, 1983 to a total amount not to exceed twenty-
9 three million five hundred seventy-five thousand
10 (23,575,000) dollars, such".

11 2. Page 5, line 2, by striking the word "project"
12 and inserting in lieu thereof the word "projects".

13 3. Page 5, lines 3 and 4, by striking the words
14 and figures "twenty-three million three hundred
15 seventy-five thousand (23,375,000)" and inserting
16 in lieu thereof the words and figures "twenty-three
17 million five hundred seventy-five thousand
18 (23,575,000)".

19 4. Page 5, line 11, by striking the word "project"
20 and inserting in lieu thereof the word "projects".

21 5. Page 5, line 13, by striking the word "project"
22 and inserting in lieu thereof the word "projects".

23 6. Page 5, lines 15 and 16, by striking the words
24 and figures "twenty-three million three hundred
25 seventy-five thousand (23,375,000)" and inserting

26 in lieu thereof the words and figures "twenty-three
 27 million five hundred seventy-five thousand
 28 (23,575,000)".
 29 7. Page 5, by inserting after line 20 the follow-
 30 ing:
 31 *"Iowa State University*
 32 *Planning for veterinary medicine*
 33 *clinic conversion for use by*
 34 *industrial education".*

JOHN N. NYSTROM
 BASS VAN GILST

S-5737

1 Amend the amendment S-5592 to Senate File 2304
 2 as follows:
 3 1. Page 1, by inserting after line 10 the following:
 4 *"Of the money appropriated for this purpose for*
 5 *fiscal 1982-83, one hundred twenty-five thousand*
 6 *(125,000) dollars of it shall be obtained from the*
 7 *road use fund."*

STEPHEN W. BISENIUS

S-5738

1 Amend Senate File 2304 as follows:
 2 1. Page 18, by inserting after line 14 the
 3 following:
 4 "Sec. ____ The legislative council is urged to
 5 establish a joint subcommittee composed of members
 6 of both political parties of the house and senate
 7 subcommittees on education appropriations to conduct
 8 a study of the present and future funds of the
 9 institutions under the control of the state board
 10 of regents. The joint subcommittee shall make a
 11 report of its recommendations, accompanied by
 12 legislative bill drafts to implement the
 13 recommendations, to the legislative council and to
 14 the general assembly meeting in 1983."
 15 2. By numbering and renumbering sections and
 16 correcting internal references as necessary.

STEPHEN W. BISENIUS
 ELVIE L. DREESZEN

S-5739

1 Amend the House amendment S-5566 to Senate File
 2 268 as amended, passed and reprinted by the Senate,

3 as follows:

- 4 1. Page 1, by striking line 5 through page 4,
5 line 27.
- 6 2. Page 4, line 29, by striking the word "eleven"
7 and inserting in lieu thereof the word "thirteen".
- 8 3. Page 4, by striking line 47 through page 5,
9 line 3, and inserting in lieu thereof the following:
10 "9. Four public members appointed by the governor
11 who shall have knowledge of penology or correctional
12 institutions."
- 13 4. Page 5, by striking lines 25 through 27 and
14 inserting in lieu thereof the words "suspended
15 sentences."
- 16 5. Page 5, line 28, by striking the word "may"
17 and inserting in lieu thereof the word "shall".
- 18 6. Page 5, by striking lines 30 through 38 and
19 inserting in lieu thereof the following: "and to
20 the governor, regarding changes in the laws of
21 sentencing, the criminal code, criminal procedures,
22 the rules of the department of social services
23 concerning correctional institutions, and regarding
24 other aspects of sentencing."
- 25 7. Page 6, by striking line 2 through page 18,
26 line 34 and inserting in lieu thereof the following:
27 "Sec. ____ This Act takes effect July 1, 1982
28 and is repealed June 30, 1986."

DONALD V. DOYLE

S-5740

1 Amend Senate File 2304 as follows:

- 2 1. Page 37, by inserting after line 27 the
3 following:
4 "Sec. ____ DELAYED SALARY, EXPENSE AND BENEFIT
5 ADJUSTMENTS. The annual salary rates or ranges,
6 annual pay adjustments, expense reimbursement, and
7 benefits provided for under Acts of the Sixty-ninth
8 General Assembly, 1981 Session, chapter 9, for the
9 fiscal year beginning July 1, 1982, and ending June
10 30, 1983, shall not take effect unless, as of May
11 1, 1983, the state comptroller projects that the
12 unobligated balance including the amount required
13 to fund the pay adjustments, expense reimbursement,
14 and benefits under the Acts of the Sixty-ninth General
15 Assembly, 1981 Session, Chapter 9, in the general
16 fund of the state on June 30, 1983 will be sixty
17 million dollars or more. If the state comptroller
18 projects an unobligated balance of sixty million
19 dollars or more in the general fund of the state on

20 June 30, 1983, the annual salary rates or ranges,
 21 annual pay adjustments, expense reimbursement and
 22 benefits provided for the fiscal year beginning July
 23 1, 1982 and ending June 30, 1983, in Acts of the
 24 Sixty-ninth General Assembly, 1981 Session, chapter
 25 9, shall take effect on May 1, 1983 and be retroactive
 26 to July 1, 1982.”
 27 2. By numbering sections to conform to this
 28 amendment.

EDGAR H. HOLDEN

S-5741

1 Amend Senate File 2304 as follows:
 2 1. Page 18, by striking lines 3 through 7 and
 3 inserting in lieu thereof the following: “1981 and
 4 ending June 30, 1982 [and to four million six hundred
 5 fifty thousand nine hundred (4,650,900) dollars for
 6 the fiscal year beginning July 1, 1982 and ending
 7 June 30, 1983].”

C.W. BILL HUTCHINS

S-5742

1 Amend Senate File 2304 as follows:
 2 1. Page 17, by inserting after line 21 the
 3 following:
 4 “Sec. ____ The state board of regents is directed
 5 to add two hundred dollars to the amount of fees paid
 6 by each nonresident student at an institution of
 7 higher education under the control of the state board
 8 of regents for the fiscal year beginning July 1, 1982
 9 and ending June 30, 1983. Moneys received from the
 10 amount added to fees under this section shall be
 11 deposited in the general fund of the state.”
 12 2. By numbering and renumbering sections and
 13 correcting internal references as necessary.

JULIA GENTLEMAN
 STEPHEN W. BISENIUS

S-5743

1 Amend House File 2485 as passed by the House, as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word
 4 “roadway” the words “or where the roadway has been
 5 covered with asphalt or with at least one foot of

6 gravel, or with a combination of asphalt and gravel”.

RICHARD F. DRAKE
LOWELL L. JUNKINS

S-5744

1 Amend House File 2477 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, by striking lines 30 through 33 and
4 inserting in lieu thereof the following: “17A.”.

BOB RUSH

S-5745

1 Amend Senate File 2304 as follows:
2 1. Page 28, by striking line 24 through page 29,
3 line 7 and inserting in lieu thereof the following:
4 “Sec. 57. Acts of the Sixty-ninth General Assembly,
5 Second Extraordinary 1981 Session, chapter 3, section
6 24, is amended to read as follows:
7 SEC. 24. *NEW SECTION. TAX IMPOSED.* For the
8 privilege of operating railway vehicles in this state,
9 an excise tax is imposed at the rate of three cents
10 per gallon beginning October 1, 1981 and is imposed
11 at the rate of eight cents per gallon beginning July
12 1, 1982 upon the use of fuel for the propulsion of
13 a railway vehicle within the state. The tax attaches
14 at the time of use and shall be paid monthly to the
15 department by the railroad company using the fuel.
16 [Fuel] *At such time the Iowa railway finance authority*
17 *deems necessary, it may require that fuel dispensed*
18 *in this state shall only be through meters which have*
19 *been approved for accuracy by the department of*
20 *agriculture] Iowa railway finance authority and sealed*
21 *by the [department] authority. The authority may*
22 *contract the responsibility for approving and sealing*
23 *meters to the department of agriculture. Fuel dispensed*
24 *through sealed meters shall be presumed taxable unless*
25 *the railroad company proves otherwise.*
26 Sec. 58. *NEW SECTION. PAYMENT OF TAX.*
27 *Notwithstanding the requirement for monthly payment*
28 *of the excise tax in Acts of the Sixty-ninth General*
29 *Assembly, Second Extraordinary 1981 Session, chapter*
30 *3, sections 24 and 26, if it is reasonably expected,*
31 *as determined by rules prescribed by the director,*
32 *that a railroad company's annual tax liability will*
33 *not exceed one thousand two hundred dollars for a*
34 *calendar year, the railroad company may request and*

35 the director may grant permission, in lieu of the
 36 requirement for monthly payment of tax, that the tax
 37 shall be payable on a calendar year basis. The tax
 38 is due and payable no later than January 31 following
 39 each calendar year in which the railroad company
 40 carried on business.”
 41 2. By renumbering the sections to conform with
 42 this amendment.

RICHARD F. DRAKE
 DALE L. TIEDEN

S-5746

1 Amend Senate File 2304 as follows:
 2 1. Page 37, by inserting after line 27 the
 3 following:
 4 “1. Notwithstanding the provisions of section
 5 8.31 or any other provision of chapter 8, the authority
 6 of the governor to modify allotments in cases where
 7 the governor finds the estimated budget resources
 8 during the fiscal year beginning July 1, 1982 are
 9 insufficient to pay all appropriations in full, shall
 10 not extend to appropriations made in section 442.26
 11 and such appropriations shall be paid in full.”

EDGAR H. HOLDEN

S-5747

1 Amend Senate Concurrent Resolution 128 as follows:
 2 1. Page 4, line 13, by striking the words “NOW
 3 THEREFORE,” and inserting in lieu thereof the word
 4 “and”.
 5 2. Page 4, by inserting after line 13 the follow-
 6 ing:
 7 “WHEREAS, the state board of regents also has
 8 requested the authority to finance the cost of the
 9 final phase of the communication arts center at the
 10 university of northern Iowa during the fiscal year
 11 ending June 30, 1983, to a total amount not to exceed
 12 seven million one hundred sixty thousand (7,160,000)
 13 dollars, such authorization to be in addition to the
 14 bonds authorized by Senate Concurrent Resolution 35
 15 of the Sixty-ninth General Assembly, First Session;”.
 16 3. Page 5, line 2, by striking the word “project”
 17 and inserting in lieu thereof the word “projects”.
 18 4. Page 5, lines 3 and 4, by striking the words
 19 and figures “twenty-three million three hundred
 20 seventy-five thousand (23,375,000)” and inserting

21 in lieu thereof the words and figures "thirty million
22 five hundred thirty-five thousand (30,535,000)".

23 5. Page 5, line 11, by striking the word "project"
24 and inserting in lieu thereof the word "projects".

25 6. Page 5, line 13, by striking the word "project"
26 and inserting in lieu thereof the word "projects".

27 7. Page 5, lines 15 and 16, by striking the words
28 and figures "twenty-three million three hundred
29 seventy-five thousand (23,375,000)" and inserting
30 in lieu thereof the words and figures "thirty million
31 five hundred thirty-five thousand (30,535,000)".

32 8. Page 5, by inserting after line 20, the follow-
33 ing:

34 *"University of Northern Iowa*

35 *Final phase of communication arts center*

36 *Cost of issuance of bonds".*

TED ANDERSON

S-5748

1 Amend Senate Concurrent Resolution 128 as follows:

2 1. Page 4, by striking lines 5 through 10 and
3 inserting in lieu thereof the following: "the
4 authorization to undertake and carry out certain
5 additional projects at this time and to finance their
6 cost by borrowing money and issuing negotiable bonds
7 under chapter 262A, during the fiscal year ending
8 June 30, 1983 to a total amount not to exceed twenty-
9 three million five hundred seventy-five thousand
10 (23,575,000) dollars, such".

11 2. Page 5, line 2, by striking the word "project"
12 and inserting in lieu thereof the word "projects".

13 3. Page 5, lines 3 and 4, by striking the words
14 and figures "twenty-three million three hundred
15 seventy-five thousand (23,375,000)" and inserting
16 in lieu thereof the words and figures "twenty-three
17 million five hundred seventy-five thousand
18 (23,575,000)".

19 4. Page 5, line 11, by striking the word "project"
20 and inserting in lieu thereof the word "projects".

21 5. Page 5, line 13, by striking the word "project"
22 and inserting in lieu thereof the word "projects".

23 6. Page 5, lines 15 and 16, by striking the words
24 and figures "twenty-three million three hundred
25 seventy-five thousand (23,375,000)" and inserting
26 in lieu thereof the words and figures "twenty-three
27 million five hundred seventy-five thousand
28 (23,575,000)".

29 7. Page 5, by inserting after line 20 the follow-

30 ing:
 31 *"Iowa State University of*
 32 *Science and Technology*
 33 *Planning for veterinary medicine*
 34 *clinic conversion for use by*
 35 *industrial education".*

JOHN N. NYSTROM
 BASS VAN GILST

S-5749

1 Amend House File 2485 as passed by the House as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "roadway" the words "*and totally removed from the*
 5 *roadway*".
 6 2. Page 1, line 8, by inserting after the period
 7 the words "*If the railroad corporation fails to*
 8 *remove the tracks from the roadway within one year*
 9 *after abandonment, the highway authority having*
 10 *control of the roadway shall remove the tracks and*
 11 *repair the surface of the highway and file a*
 12 *statement of costs for reimbursement with the railroad*
 13 *corporation to recover the costs actually incurred*
 14 *in removing tracks from the roadway and repair the*
 15 *surface of the highway.*"

BASS VAN GILST

S-5750

1 Amend Senate File 2304 as follows:
 2 1. Page 53, by striking lines 25 through 27 and
 3 inserting in lieu thereof the following: "assistance
 4 program in sections 91 and 96 of this Act."

BOB RUSH

S-5751

1 Amend Senate Concurrent Resolution 128 as follows:
 2 1. Page 5, line 17, by inserting after the word
 3 "dollars" the words "with the further limitation that
 4 the state of Iowa will bond only one dollar for every
 5 two dollars raised by the University from its alumni
 6 and other contributors for this project".

STEPHEN W. BIENIUS

S-5752

1 Amend Senate File 2304 as follows:

2 1. Page 37, by inserting after line 27 the
3 following:

4 "Sec. ____ If the estimated funds in the general
5 fund of the state, as a result of appropriations made
6 by this Act, reach a level that the governor finds
7 estimated budget resources for the fiscal year
8 beginning July 1, 1982, are insufficient to pay all
9 appropriations in full and the governor modifies
10 allotments of appropriations pursuant to the authority
11 in section 8.31 and chapter 8, the appropriations
12 made in section 442.26 shall not be modified,
13 notwithstanding the provisions of section 8.31 and
14 chapter 8.

15 If the governor modifies allotments of
16 appropriations, the governor in the order or
17 proclamation modifying the allotments shall identify
18 the dollar impact for each state and local government
19 agency affected."

20 2. Page 55, by inserting after line 2 the
21 following:

22 "Sec. ____ If the appropriations made by this
23 Act create a general fund balance that results in
24 the state comptroller having to delay or consider
25 delaying making any payments authorized by this Act,
26 or any other Act making appropriations, the state
27 comptroller shall make a monthly report to members
28 of the general assembly relating to the fiscal
29 condition of the state and the report shall include,
30 but not be limited to, the revenue growth for the
31 previous month, and the general fund balance, which
32 shall reflect the total general fund obligations not
33 satisfied at the end of the month."

34 3. By renumbering as required.

EDGAR H. HOLDEN
C.W. BILL HUTCHINS

S-5753

1 Amend the House amendment, S-5731, to Senate File
2 2300 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 2, by striking lines 3 through 21 and
5 inserting in lieu thereof the following:

6 "____ Page 3, by striking lines 6 through 17 and
7 inserting in lieu thereof the words "*the acquisition*."

8 2. Page 4, line 32, by striking the word "eight"
9 and inserting in lieu thereof the word "nine".

EDGAR H. HOLDEN
BOB RUSH

EMIL J. HUSAK
RICHARD COMITO

S-5754

1 Amend Senate File 2304 as follows:

2 1. Page 41, by inserting after line 8 the
3 following:

4 "Sec. 86A. There is appropriated from the general
5 fund of the state for the fiscal year beginning July
6 1, 1982, and ending June 30, 1983, to the department
7 of social services four hundred sixty thousand
8 (460,000) dollars, or so much thereof as is necessary,
9 for the medical assistance program.

10 Sec. 86B. Acts of the Sixty-ninth General Assembly,
11 1981 Session, chapter 7, section 3, subsection 2,
12 unnumbered paragraph 7, is amended to read as follows:

13 [Pharmacists] *Pharmacies* in this state [who] *which*
14 reduce the charges of prescription drugs to persons
15 participating in private, third-party payor
16 prescription drug insurance or benefit plans or to
17 the insurance or benefit plans shall also reduce by
18 the same amount the charges to persons participating
19 in the medical assistance program or to the program.
20 *For the purpose of this unnumbered paragraph, the*
21 *reduction of charges includes the discounting of*
22 *deductibles or coinsurance payable by plan participants*
23 *or the distribution of free merchandise directly or*
24 *indirectly through coupon or rebate programs to plan*
25 *participants. The board of pharmacy examiners shall*
26 *adopt rules under section 17A.4, subsection 2 and*
27 *section 17A.5, subsection 2, paragraph b to insure*
28 *that pharmacists reduce charges by the same amount*
29 *to both third-party payors and the medical assistance*
30 *program and that copayment requirements are applied*
31 *equally to both third-party payors and the medical*
32 *assistance program. The rules shall become effective*
33 *immediately upon filing, unless a later effective*
34 *date is specified in the rules.*

35 *Effective October 1, 1982, a professional dispensing*
36 *fee reimbursement of fifty cents per prescription,*
37 *in addition to the ordinary professional dispensing*
38 *fee reimbursement, shall be made for the selection*
39 *of equivalent drug products which are less expensive*
40 *than those prescribed by the physician and which*
41 *result in a cost savings to the medical assistance*
42 *program of at least one dollar and fifty cents per*
43 *prescription."*

44 2. Page 41, by inserting after line 34 the
45 following:

46 "NEW UNNUMBERED PARAGRAPH. Effective October 1,
47 1982, medical assistance reimbursement rates for
48 hospitals shall be established on a prospective basis.
49 The department of social services shall not change
50 the method of reimbursement for the state mental

Page 2

1 health institutes."
2 3. Page 42, by inserting after line 29 the
3 following:
4 "NEW UNNUMBERED PARAGRAPH. Notwithstanding Acts
5 of the Sixty-ninth General Assembly, 1981 Session,
6 chapter 7, section 3, subsection 2, unnumbered para-
7 graph 6, medical assistance payments for all mandatory
8 and optional services, except for intermediate care
9 facility services, intermediate care facility services
10 for the mentally retarded, services provided to
11 recipients in state mental health institutes, and
12 medical transportation services other than ambulance
13 services, shall be reduced by a factor of two and
14 one-half percent. However, the two and one-half
15 percent reduction shall not apply to reimbursements
16 for the ingredient cost of prescription drugs or to
17 physician reimbursements and shall not apply to
18 hospital reimbursements beginning October 1, 1982."
19 4. Page 53, line 16, by inserting after the word
20 "project," the words "hospital reimbursements based
21 on a prospective basis, percentage reductions of
22 reimbursements for most mandatory and optional
23 services,".
24 5. Page 53, line 23, by inserting after the word
25 "to" the words "professional prescription drug
26 dispensing fee reimbursements,".
27 6. Page 53, line 26, by inserting before the word
28 "the" the words and figure "in section 86A of this
29 Act and".

ARNE WALDSTEIN

S-5755

1 Amend Senate File 2304 as follows:
2 1. Page 55, by inserting before line 3 the
3 following:
4 "Sec. ____ If the appropriations made by this
5 Act create a general fund balance that results in
6 the state comptroller having to delay or consider
7 delaying making any payments authorized by this Act,
8 or any other Act making appropriations, the state

- 9 comptroller shall make a monthly report to members
 10 of the general assembly relating to the fiscal
 11 condition of the state and the report shall include,
 12 but not be limited to, the revenue growth for the
 13 previous month, and the general fund balance, which
 14 shall reflect the total general fund obligations not
 15 satisfied at the end of the month.”
 16 2. By renumbering as required.

C.W. BILL HUTCHINS

S-5756

- 1 Amend the amendment, S-5754, to Senate File 2304,
 2 as follows:

DIVISION S—5756A

- 3 1. Page 1, lines 7 and 8, by striking the words
 4 and figure “four hundred sixty thousand (460,000)”
 5 and inserting in lieu thereof the words and figure
 6 “nine hundred thirty thousand (930,000).”
 7 2. Page 1, lines 46 and 47, by striking the word
 8 and figures “October 1, 1982” and inserting in lieu
 9 thereof the word and figures “January 1, 1983”.
 10 3. Page 2, line 18, by striking the word and
 11 figures “October 1, 1982” and inserting in lieu thereof
 12 the word and figures “January 1, 1983”.

DIVISION S—5756B

- 13 4. Page 2, lines 20 and 21, by striking the words
 14 “hospital reimbursements based on a prospective
 15 basis.”.

BOB RUSH
 BERL E. PRIEBE

S-5757

- 1 Amend the amendment S-5718 to Senate File 2304
 2 as follows:

- 3 1. Page 1, line 7, by striking the figure “2274”
 4 and inserting in lieu thereof the figure “2477”.
 5 2. Page 1, line 13, by striking the figure “2274”
 6 and inserting in lieu thereof the figure “2477”.

ARNE WALDSTEIN
 JOE BROWN

S-5758

- 1 Amend Senate File 2304 as follows:

AMENDMENTS FILED

2099

2 1. Page 41, by inserting after line 31 the
3 following:
4 "Sec. ____ There is appropriated from the general
5 fund of the state for the fiscal year beginning July
6 1, 1982, and ending June 30, 1983, to the department
7 of social services two hundred eighty-six thousand
8 (286,000) dollars, or so much thereof as is necessary,
9 for the medical assistance program. Beginning July
10 1, 1982, the basis for establishing the maximum medical
11 assistance reimbursement rate for intermediate care
12 facilities shall be the seventy-fourth percentile
13 of all facilities' per diems as calculated from the
14 June 30, 1981 compilation of unaudited financial and
15 statistical reports, which rate shall be increased
16 by a factor of two and twenty-six hundredths percent,
17 notwithstanding Acts of the Sixty-ninth General
18 Assembly, 1981 Session, chapter 7, section 3,
19 subsection 2, unnumbered paragraph 5.

BERL E. PRIEBE

S-5759

1 Amend Senate File 2304 as follows:
2 1. Page 41, by inserting after line 31 the
3 following:
4 "Sec. ____ There is appropriated from the general
5 fund of the state for the fiscal year beginning July
6 1, 1982, and ending June 30, 1983, to the department
7 of social services eight hundred twenty-three thousand
8 (823,000) dollars, or so much thereof as is necessary,
9 for the medical assistance program. Beginning July
10 1, 1982, the basis for establishing the maximum medical
11 assistance reimbursement rate for intermediate care
12 facilities shall be the seventy-fourth percentile
13 of all facilities' per diems as calculated from the
14 June 30, 1981 compilation of unaudited financial and
15 statistical reports, which rate shall be increased
16 by a factor of three and four-tenths percent,
17 notwithstanding Acts of the Sixty-ninth General
18 Assembly, 1981 Session, chapter 7, section 3,
19 subsection 2, unnumbered paragraph 5.

BERL E. PRIEBE

S-5760

1 Amend Senate File 2304 as follows:
2 1. Page 53, line 27, by inserting after the word
3 "rules." the words "However, it is the intent of the
4 general assembly that the rules be adopted pursuant to the
5 provisions of chapter 17A and that the emergency

6 rule-making process be used only if the procedures
7 specified in chapter 17A can not be completed in time."

BERL E. PRIEBE
EDGAR H. HOLDEN
DALE L. TIEDEN

HOUSE AMENDMENT TO SENATE FILE 2305

S-5761

1 Amend Senate File 2305, as follows:
2 1. Page 1, line 12, by inserting after the figure
3 "249A.", the following: "In the event that the person
4 being cared for is receiving assistance benefits under
5 chapter 239, the expenses not otherwise deductible
6 shall be the net difference between the expenses
7 actually incurred in caring for the person and the
8 assistance benefits received under chapter 239."

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 2426

S-5762

1 Amend H-5925, the Senate amendment to House File
2 2426, as follows:
3 1. Page 1, by inserting after line 4, the
4 following:
5 " ____ Page 2, by inserting after line 9, the
6 following:
7 "Sec. ____ The applicant, if not the county
8 attorney, may apply for the appointment of counsel
9 if financially unable to employ an attorney to assist
10 the applicant in presenting evidence in support of
11 the application for commitment. If the applicant
12 applies for the appointment of counsel, the application
13 shall include a financial statement as defined in
14 section 336B.1."
15 ____ Page 3, by striking lines 3 and 4 and
16 inserting in lieu thereof the following:
17 "2. If the application includes a request for
18 a court-appointed attorney for the applicant and the
19 court is satisfied that a court-appointed attorney
20 is necessary to assist the applicant in a meaningful
21 presentation of the evidence, and that the applicant
22 is financially unable to employ an attorney, the court
23 shall appoint an attorney to represent the applicant.
24 The attorney shall be compensated in substantially
25 the same manner as provided by section 815.7." "

- 26 2. Page 1, by inserting after line 6, the
27 following:
28 "____ Page 6, line 20, by inserting after the
29 word "by" the words "the applicant, or by an attorney
30 for the applicant, or by the county attorney if the
31 county attorney is the applicant."
32 ____ Page 6, line 21, by striking the words "the
33 county attorney."
34 3. Page 1, by striking lines 7 through 11.

S-5763

- 1 Amend House File 2482 as passed by the House as
2 follows:
3 1. Page 1, line 12, by inserting after the word
4 "Session" the words and figure "and the transfer made
5 by section 2 of this Act".
6 2. Page 2, by inserting after line 2 the following:
7 "Sec. 2. In addition to the transfer made by House
8 File 2336, section 13 enacted by the Sixty-ninth
9 General Assembly, 1982 Session and pursuant to section
10 2604 of the federal Omnibus Reconciliation Act of
11 1981, one million six hundred twenty-five thousand
12 (1,625,000) dollars of this state's allotment of funds
13 under the federal Low-Income Home Energy Assistance
14 Act of 1981, section 2601 et. seq., of the federal
15 Omnibus Reconciliation Act of 1981 is transferred
16 and appropriated to the department of social services
17 for use authorized by the federal Social Services
18 Block Grant Act, section 2351 et. seq., of the federal
19 Omnibus Reconciliation Act of 1981. This appropriation
20 is for the fiscal year beginning July 1, 1982 and
21 ending on June 30, 1983. State funds in the same
22 amount as the transfer appropriated to the department
23 of social services for those uses for which the funds
24 transferred by this section are authorized shall
25 revert to the general fund of the state."
26 3. Renumber as required.

JOHN S. MURRAY

S-5764

- 1 Amend House File 2483 as amended, passed and
2 reprinted by the House as follows:

DIVISION S-5764A

- 3 1. Page 1, line 5, by striking the word "*six*"
4 and inserting in lieu thereof the word "*three*".

DIVISION S—5764B

- 5 2. Page 1, line 20, by striking the word "four"
6 and inserting in lieu thereof the word "three".

DIVISION S—5764C

- 7 3. Page 1, line 33, by striking the word "four"
8 and inserting in lieu thereof the word "three".

BOB CARR
C. JOSEPH COLEMAN
CHARLES P. MILLER
BOB RUSH

S-5765

- 1 Amend House File 2488 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, line 4, by striking the word
4 "subsection" and inserting in lieu thereof the word
5 "subsections".
6 2. Page 2, by inserting after line 31 the
7 following:
8 "NEW SUBSECTION. If the adjusted gross income
9 includes income or loss from a trade or business
10 operated by the taxpayer, an additional deduction
11 shall be allowed in computing the income or loss from
12 the trade or business if the trade or business hired
13 for employment in the state during its annual
14 accounting period ending with or during the taxpayer's
15 tax year any of the following:
16 a. A handicapped individual domiciled in this
17 state at the time of the hiring.
18 b. An individual domiciled in this state at the
19 time of the hiring who meets any of the following
20 conditions:
21 (1) Has been convicted of a felony in this or
22 any other state or the District of Columbia.
23 (2) Is on parole pursuant to chapter 906.
24 (3) Is on probation pursuant to chapter 907, for
25 an offense other than a simple misdemeanor.
26 (4) Is in a work release program pursuant to
27 chapter 247A.
28 c. An individual, whether or not domiciled in
29 this state at the time of the hiring, who is on parole
30 or probation and to whom the interstate probation
31 and parole compact under section 247.40 applies.
32 The amount of the additional deduction is equal
33 to seventy-five percent of the wages paid to

34 individuals named in paragraphs a, b, and c who were
35 hired for the first time by that trade or business
36 during the annual accounting period for work done
37 in the state. This additional deduction is allowed
38 for the wages paid to those individuals during the
39 twelve months following the date of first employment
40 by the trade or business and shall be deducted during
41 the accounting periods when paid."

42 3. Page 2, line 35, by striking the word
43 "subsection" and inserting in lieu thereof the words
44 "subsections".

45 4. Page 4, by inserting after line 16 the
46 following:

47 "*NEW SUBSECTION*. Subtract an amount equal to
48 seventy-five percent of the wages paid to individuals
49 named in paragraphs a, b, and c who were hired for
50 the first time by the taxpayer during the tax year

Page 2

1 for work done in this state:

2 a. A handicapped individual domiciled in this
3 state at the time of the hiring.

4 b. An individual domiciled in this state at the
5 time of the hiring who meets any of the following
6 conditions:

7 (1) Has been convicted of a felony in this or
8 any other state or the District of Columbia.

9 (2) Is on parole pursuant to chapter 906.

10 (3) Is on probation pursuant to chapter 907, for
11 an offense other than a simple misdemeanor.

12 (4) Is in a work release program pursuant to
13 chapter 247A.

14 c. An individual, whether or not domiciled in
15 this state at the time of the hiring, who is on parole
16 or probation and to whom the interstate probation
17 and parole compact under section 247.40 applies.

18 This deduction is allowed for the wages paid to
19 the individuals named in paragraphs a, b, and c during
20 the twelve months following the date of first
21 employment by the taxpayer and shall be deducted in
22 the tax years when paid."

23 5. Title page, line 4, by inserting after the
24 word "years" the words ", and by providing an
25 additional business deduction for wages paid or accrued
26 for work done in the state by certain individuals".

S-5766

- 1 Amend the House amendment, S-5731 to Senate File
2 2300 as amended, passed and reprinted by the Senate,
3 as follows:
- 4 1. Page 2, by striking lines 3 through 21 and
5 inserting in lieu thereof the following:
6 "___ Page 2, line 24, by striking the words
7 "[eight] *nine*" and inserting in lieu thereof the words
8 "*eight and one-half*".
9 ___ Page 3, line 1, by striking the word "*nine*"
10 and inserting in lieu thereof the words "*eight and*
11 *one-half*".
12 ___ Page 3, by striking lines 6 through 17 and
13 inserting in lieu thereof the words "*the acquisition.*" "
 - 14 2. Page 4, line 32, by inserting after the word
15 "eight" the words "and one-half".
 - 16 3. By renumbering as necessary.

EDGAR H. HOLDEN
GEORGE R. KINLEY

S-5767

- 1 Amend House Joint Resolution 2003 as amended,
2 passed and reprinted by the House as follows:
- 3 1. Page 1, lines 10 and 11 by striking the words
4 "construction of a new state historical building or
5 center" and inserting in lieu thereof the words
6 "renovation, restoration and needed repairs of the
7 state capitol building".
 - 8 2. Page 1, by striking lines 14 and 15 and inserting
9 in lieu thereof the words "of the bequest for projects
10 other than renovation, restoration or needed repairs
11 of the state capitol building as selected by the
12 general assembly and".
 - 13 3. Page 1, lines 19 and 20 by striking the words
14 "new historical building or center" and inserting in
15 lieu thereof the words "renovation, restoration or
16 needed repairs of the state capitol building".
 - 17 4. Page 1, lines 23 and 24, by striking the words
18 "building or center" and inserting in lieu thereof
19 the words "renovation, restoration or needed repairs".
 - 20 5. Page 1, by striking lines 25 through 28.
 - 21 6. Page 2, by striking line 7, and inserting in
22 lieu thereof the words "renovation, restoration or
23 needed repairs of the state capitol building".

TED ANDERSON
STEPHEN W. BISENIUS

S-5768

- 1 Amend Senate File 2306 as follows:
- 2 1. Page 2, line 16, by striking the words "city
- 3 treasurer" and inserting in lieu thereof the words
- 4 "city clerk".
- 5 2. Page 2, line 17, by striking the word
- 6 "treasurer" and inserting in lieu thereof the word
- 7 "clerk".

JACK W. HESTER
BOB RUSH

S-5769

- 1 Amend House File 2493 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 7, line 28 through page 8,
- 4 line 10.
- 5 2. Page 9, by striking lines 9 through 15.
- 6 3. Page 9, by striking line 24 and inserting in
- 7 lieu thereof the following:
- 8 "section 321.281 \$ \$ 60,000".
- 9 4. Renumber as necessary.

JOHN S. MURRAY

S-5770

- 1 Amend Senate Concurrent Resolution 128 as follows:
- 2 1. Page 4, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the following: "the authorization
- 4 to finance the cost of an agronomy building at Iowa
- 5 state university of science and technology by borrowing
- 6 money".
- 7 2. Page 4, by striking lines 9 and 10 and inserting
- 8 in lieu thereof the following: "not to exceed twenty-
- 9 four million one hundred twenty-one thousand
- 10 (24,121,000) dollars, such".
- 11 3. Page 5, by striking lines 3 and 4 and inserting
- 12 in lieu thereof the following: "twenty-four million
- 13 one hundred twenty-one thousand (24,121,000) dollars,
- 14 in addition to the".
- 15 4. Page 5, by striking lines 15 through 19 and
- 16 inserting in lieu thereof the following: "not to
- 17 exceed twenty-four million one hundred twenty-one
- 18 thousand (24,121,000) dollars during the fiscal year
- 19 ending June 30, 1983:
- 20 Iowa State University of
- 21 *Science and Technology*

22 Agronomy building".

BERL E. PRIEBE
C. JOSEPH COLEMAN

S-5771

1 Amend House Joint Resolution 2003 as amended,
2 passed and reprinted by the House as follows:
3 1. Page 2, line 5, by inserting after the word
4 "party." the words "The committee shall consider
5 utilization of interest or earnings from investments
6 from the Herrick estate for restoration of the state
7 capitol building."

JAMES V. GALLAGHER

S-5772

1 Amend Senate File 2311 as follows:
2 1. Page 1, by striking lines 14 and 15 and
3 inserting in lieu thereof the words "the state. In
4 addition,".
5 2. Page 1, by striking lines 30 and 31 and
6 inserting in lieu thereof the words "within the state
7 who will".
8 3. Page 2, line 2, by striking the word "eighty"
9 and inserting in lieu thereof the word "ninety".
10 4. Page 4, by striking lines 16 through 19 and
11 inserting in lieu thereof the words:
12 "NEW SUBSECTION. There exists a shortage of
13 adequate".
14 5. Page 4, line 21, by striking the words
15 "participate in the program" and inserting in lieu
16 thereof the words "store their grain or soybeans".

BERL E. PRIEBE
EMIL J. HUSAK
ALVIN V. MILLER
NORMAN RODGERS
C.W. BILL HUTCHINS
DONALD V. DOYLE

S-5773

1 Amend the House amendment S-5637 to Senate File
2 2234 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 34 through 44, and
5 inserting in lieu thereof the words "applicable
6 state well construction standards."

C.W. BILL HUTCHINS

S-5774

1 Amend House File 2488 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1 the follow-
4 ing:

5 "Section 1. Section 19A.9, subsection 3, unnumbered
6 paragraph 1, Code 1981, is amended to read as follows:

7 For open competitive examinations to test the
8 relative fitness of new applicants for the respective
9 positions. [Such] *The examinations shall be practical*
10 *in character and shall relate to such matters as will*
11 *fairly test the ability of the applicant to discharge*
12 *the duties of the position to which appointment is*
13 *sought. The rules shall provide that a handicapped*
14 *individual shall receive an additional five points*
15 *on any examination and shall state the criteria for*
16 *determining when an examinee is a handicapped*
17 *individual. An examinee who alleges to be a*
18 *handicapped individual and who does not receive the*
19 *additional five examination points may appeal the*
20 *nonreceipt as provided in chapter 70."*

21 2. Renumber as necessary.

C.W. BILL HUTCHINS

S-5775

1 Amend House Joint Resolution 2003 as amended,
2 passed and reprinted by the House as follows:

3 1. Page 1, line 13, by striking the word "shall"
4 and inserting in lieu thereof the word "may".

5 2. Page 1, line 16, by striking the word "from"
6 and inserting in lieu thereof the word "upon".

7 3. Page 1, line 27, by inserting after the word
8 "Act" the words "to the state department of general
9 services for construction of the new state historical
10 building or center".

JOHN S. MURRAY
BASS VAN GILST

S-5776

1 Amend Senate File 2311 as follows:

2 1. Page 1, line 3, by striking the word "CORN"
3 and inserting in lieu thereof the words "GRAIN AND
4 SOYBEAN".

5 2. Page 1, line 5, by inserting after the word
6 "facilities" the words "including, but not limited

- 7 to, the aerating and grain or soybean drying
8 equipment”.
- 9 3. Page 1, line 7, by striking the word “corn”
10 and inserting in lieu thereof the words “grain or
11 soybeans”.
- 12 4. Page 1, line 15, by striking the word “corn”.
13 5. Page 1, line 18, by striking the word “corn”
14 and inserting in lieu thereof the words “grain or
15 soybean”.
- 16 6. Page 1, line 18, by inserting after the word
17 “facilities” the words “including, but not limited
18 to, the aerating and grain or soybean drying
19 equipment”.
- 20 7. Page 1, line 31, by striking the word “corn”.
21 8. Page 1, line 32, by striking the word “corn”
22 and inserting in lieu thereof the words “grain or
23 soybeans”.
- 24 9. Page 2, line 3, by striking the word “corn”
25 and inserting in lieu thereof the words “grain or
26 soybean”.
- 27 10. Page 2, line 3, by inserting after the word
28 “facility” the words “including, but not limited to,
29 the aerating and grain or soybean drying equipment”.
- 30 11. Page 2, line 5, by striking the word “corn”
31 and inserting in lieu thereof the word “grain or
32 soybean”.
- 33 12. Page 2, line 5, by inserting after the word
34 “facilities” the words “including, but not limited
35 to, the aerating and grain or soybean drying
36 equipment”.
- 37 13. Page 4, line 2, by striking the word “corn”
38 and inserting in lieu thereof the words “*grain or
39 soybean*”.
- 40 14. Page 4, line 2, by inserting after the word
41 “facilities” the words “*including, but not limited
42 to, the aerating and grain or soybean drying
43 equipment*”.
- 44 15. Page 4, line 19, by striking the word “corn”.
45 16. Page 4, line 20, by inserting after the word
46 “grain” the words “and soybean”.
- 47 17. Page 4, line 24, by striking the word “corn”
48 and inserting in lieu thereof the words “grain and
49 soybean”.
- 50 18. Page 5, line 1, by striking the word “*corn*”

Page 2

- 1 and inserting in lieu thereof the words “*grain or
2 soybean*”.

- 3 19. Page 5, line 1, by inserting after the word
4 "facilities" the words "including, but not limited
5 to, the aerating and grain or soybean drying
6 equipment".
7 20. Page 6, line 1, by striking the word "corn"
8 and inserting in lieu thereof the words "grain and
9 soybean".
10 21. Title page, line 1, by striking the word
11 "corn" and inserting in lieu thereof the words "grain
12 and soybean".

NORMAN RODGERS
C. JOSEPH COLEMAN
BERL E. PRIEBE

S-5777

- 1 Amend House File 2477 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 14, line 21, by inserting after the word
4 "chairpersons" the words "and ranking members".
5 2. Page 14, line 23, by inserting after the word
6 "chairpersons" the words "and ranking members".

LOWELL L. JUNKINS
C.W. BILL HUTCHINS
PATRICK J. DELUHERY

S-5778

- 1 Amend House File 2477 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 4, by striking lines 30 through 33 and
4 inserting in lieu thereof the following: "17A. However,
5 it is the intent of the general assembly that in this
6 exemption from the notice and public participation
7 requirements of chapter 17A, the Code shall be utilized
8 by the department only to the extent necessary to
9 insure that these rules are in effect in a timely
10 manner to implement the provisions of this Act. Any
11 rule placed into immediate effect pursuant to this
12 section shall also be proposed as a notice of intended
13 action as provided in section 17A.4(1), the Code."

BOB RUSH
ARNE WALDSTEIN

S-5779

- 1 Amend House File 2494 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "Sec. 2. Chapter 111, Code 1981, is amended by
6 adding the following new section:

7 *NEW SECTION. USER PERMITS FOR CERTAIN STATE LANDS.*

8 1. A person shall not park a motor vehicle required
9 to be registered under chapter 321 on state land under
10 the jurisdiction of the conservation commission where
11 a user permit is required by subsection 3, unless
12 the vehicle has a user permit attached in accordance
13 with this section.

14 2. This section does not apply to the following
15 vehicles:

16 a. Official government vehicles, or vehicles
17 operated by state, county, city, and federal employees
18 and agents while in the performance of official
19 government business.

20 b. A vehicle moving on highways within or that
21 cross state land to which this section applies.

22 c. A vehicle furnishing services or supplies to
23 the conservation commission or designated
24 concessionaire.

25 3. The requirement of a user permit applies to
26 designated parks areas at the Volga, Big Creek, Brushy
27 Creek and Badger Creek recreation areas, developed
28 campgrounds at the Shimek, Yellow River and Stephens
29 state forests, and all state parks managed by the
30 conservation commission except those excluded by rule.

31 4. The user permit issued by the commission is
32 valid for either the calendar year in which issued
33 or for a single day in which issued. The fee is ten
34 dollars for the calendar year permit and two dollars
35 for the daily permit.

36 5. User permits may be sold by commission employees
37 and, at the discretion of the commission, by county
38 recorders or depositaries designated under section
39 110.11. Writing fees may be charged for dispensing
40 the user permits as provided under sections 110.11
41 and 110.12 for licenses. Duplicate user permits shall
42 not be issued.

43 6. A user permit is not transferable between
44 vehicles and shall be displayed as the commission
45 prescribes by rule.

46 7. Persons with vehicles possessing and exhibiting
47 a special identification device issued to the
48 handicapped by the Iowa department of transportation
49 are exempt from the user permit requirement.

50 8. Notwithstanding sections 302.3, 602.55, 666.3,

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1 and 805.12, all fines for a violation of this section
2 shall be remitted monthly by the clerk of the district
3 court to the conservation commission. The conservation
4 commission, upon receiving the name and address of
5 a person paying a fine for a violation of this section,
6 shall issue that person an annual user permit.

7 9. The revenues received from the sale of user
8 permits and fines remitted under subsection 8 of this
9 section, after deducting the cost of administering
10 the user permit program, shall be deposited in the
11 state park and recreation area facilities improvement
12 trust fund. These revenues are appropriated as
13 follows:

14 a. Eighty-five percent shall be allocated to the
15 conservation commission for renovation, replacement,
16 and improvement of existing facilities on state park
17 and recreation areas. The commission is encouraged
18 whenever possible to employ youthful or elderly workers
19 or individuals who are eligible for unemployment
20 benefits or whose benefits have been exhausted.

21 b. Fifteen percent shall be allocated to the
22 department of soil conservation for financial
23 incentives not exceeding seventy-five percent of the
24 approved cost of permanent soil conservation practices
25 under chapter 467A on watersheds above publicly-owned
26 lakes in accordance with a priority list established
27 by the conservation commission and based on soil loss.

28 Sec. 3. Section 111.57, Code 1981, is amended
29 to read as follows:

30 111.57 PENALTIES. Any person violating any of
31 the provisions of [the foregoing] sections [numbered]
32 111.35 to 111.56 and any person whose vehicle is
33 parked or stopped in violation of section 2 of this
34 Act shall be guilty of a simple misdemeanor.

35 Sec. 4. Section 805.8, subsection 6, Code 1981,
36 is amended by adding the following new lettered
37 paragraph:

38 **NEW LETTERED PARAGRAPH.** For violations under
39 section 2 of this Act, the scheduled fine is twenty
40 dollars.

41 Sec. 5. Notwithstanding section 4 of this Act,
42 for the first year following the effective date of
43 this Act the scheduled fine for a violation under
44 section 2 of this Act is ten dollars and for the
45 second year following the effective date of this Act
46 the scheduled fine is fifteen dollars.

47 Sec. 6. The general assembly authorizes the

48 expenditure of seventy-five thousand (75,000) dollars
 49 or so much thereof as necessary of the funds
 50 appropriated by Acts of the Sixty-ninth General

Page 3

1 Assembly, 1981 Session, chapter 12, section 3,
 2 subsection 1 for the implementation of the user permit
 3 program, and an equal amount shall be transferred
 4 from the park and recreation area facilities
 5 improvement trust fund to the state conservation fund
 6 by July 1, 1983 as reimbursement for the implementation
 7 costs.
 8 Sec. 7. Sections 2 through 6 of this Act take
 9 effect January 1 following enactment."
 10 2. Amend the title by striking line 2 and inserting
 11 in lieu thereof the following: "for capital
 12 expenditures, land acquisition, and renovation and
 13 improvement of existing park and recreation areas,
 14 establishing a permit and fee and providing a penalty."

STEPHEN W. BIENIUS

S-5780

1 Amend the amendment S-5763 to House File 2482
 2 as passed by the House as follows:
 3 1. Page 1, lines 11 and 12, by striking the words
 4 "one million six hundred twenty-five thousand (1,625,000)"
 5 and inserting in lieu thereof the words "one
 6 million six hundred fifty-five thousand (1,655,000)".

BERL E. PRIEBE
 JAMES V. GALLAGHER
 DALE L. TIEDEN
 JOHN S. MURRAY

S-5781

1 Amend House File 2482 as passed by the House as
 2 follows:
 3 1. Page 1, line 28, by striking the word "ten"
 4 and inserting in lieu thereof the words "twelve and
 5 one-half".

BERL E. PRIEBE
 JOHN S. MURRAY
 DALE L. TIEDEN
 JAMES V. GALLAGHER

S-5782

1 Amend House File 2491 as follows:

- 2 1. Page 1, by inserting after line 19 the
 3 following:
 4 "6. Spencer Ready Mix Inc. 10084-69-25 Fuel Tax 121.21
 5 Spencer, Iowa Refund".
 6 2. Page 1, line 21, by striking the word and
 7 figure "and 4" and inserting in lieu thereof the word
 8 and figures ", 4, and 6".

RICHARD VANDE HOEF

S-5783

- 1 Amend Senate Concurrent Resolution 128 as follows:
 2 1. Page 4, line 11, by inserting after the word
 3 "authorization" the words and figures ", plus an
 4 additional authorization for seven million one hundred
 5 sixty thousand (7,160,000) dollars,".
 6 2. Page 5, line 4, by inserting after the word
 7 "dollars" the words and figures "plus an additional
 8 seven million one hundred sixty thousand (7,160,000)
 9 dollars".
 10 3. Page 5, line 16, by inserting after the word
 11 "dollars" the words and figures "plus an additional
 12 seven million one hundred sixty thousand (7,160,000)
 13 dollars".
 14 4. Page 5, by inserting after line 20, the
 15 following:
 16 "*University of Northern Iowa*
 17 Final phase of communication arts center
 18 Cost of issuance of bonds".

TED ANDERSON

S-5784

- 1 Amend Senate Concurrent Resolution 128 as follows:
 2 1. Page 4, line 11, by inserting after the word
 3 "authorization" the words and figures ", plus an
 4 additional authorization for twenty-four million one
 5 hundred twenty-one thousand (24,121,000) dollars,".
 6 2. Page 5, line 4, by inserting after the word
 7 "dollars" the words and figures "plus an additional
 8 twenty-four million one hundred twenty-one thousand
 9 (24,121,000) dollars".
 10 3. Page 5, line 16, by inserting after the word
 11 "dollars" the words and figures "plus an additional
 12 twenty-four million one hundred twenty-one thousand
 13 (24,121,000) dollars".
 14 4. Page 5, by inserting after line 20, the
 15 following:

- 16 *"Iowa State University of*
 17 *Science and Technology*
 18 *Agronomy building*
 19 *Cost of issuance of bonds".*

JOE BROWN
 NORMAN RODGERS
 BERL E. PRIEBE
 C. JOSEPH COLEMAN

S-5785

- 1 Amend the House amendment S-5637 to Senate File
 2 2234 as amended, passed and reprinted by the Senate
 3 as follows:
 4 1. Page 1, line 44, by inserting after the word
 5 "damages." the words "This paragraph shall not apply
 6 to require compensation for well interference alleged
 7 to be caused by an existing permitted use if the
 8 withdrawal permit for that permitted use was issued
 9 more than three years before the date of receipt by that
 10 permittee of notice of the contested case proceeding
 11 required above."

DICK RAMSEY
 LUCAS J. DE KOSTER

S-5786

- 1 Amend Senate Concurrent Resolution 128 as follows:
 2 1. Page 5, by inserting after line 20 the following:
 3 "BE IT FURTHER RESOLVED, Any increase in tuition
 4 approved by the state board of regents after the
 5 effective date of this resolution shall be used to pay
 6 for the costs of principal and interest associated
 7 with bonds authorized by this resolution."

BERL E. PRIEBE
 GEORGE R. KINLEY

S-5787

- 1 Amend Senate Concurrent Resolution 130 as follows:
 2 1. Page 1, line 9, by striking the word "thousand"
 3 and inserting in lieu thereof the word "million".

RAY TAYLOR

HOUSE AMENDMENT TO SENATE FILE 2304

S-5788

- 1 Amend Senate File 2304, as amended, passed, and

2 reprinted by the Senate as follows:

3 1. Page 2, by striking line 1 and inserting in
4 lieu thereof the words and figure "three million eight
5 hundred fifteen thousand (3,815,000)".

6 2. Page 2, by striking lines 26 through 28 and
7 inserting in lieu thereof the following:
8 "Of the funds appropriated under this section one".

9 3. Page 2, by striking lines 32 through 34, and
10 inserting in lieu thereof the following:
11 "The department may provide television channels
12 to inmates, and shall suspend access to television
13 as a disciplinary measure."

14 4. Page 3, by striking lines 8 through 17 and
15 inserting in lieu thereof the figure "11,425,000".

16 5. Page 4, by striking line 10, and inserting
17 in lieu thereof the following:
18 "vices [other than at the women's
19 reformatory at Rockwell City] \$ 650,000 \$ [800,000]".

20 6. Page 6, line 11, by striking the word "five"
21 and inserting in lieu thereof the word "ten".

22 7. Page 8, line 17, by striking the word "inmates"
23 and inserting in lieu thereof the words "[inmates]
24 residents".

25 8. Page 8, by striking lines 20 through 22 and
26 inserting in lieu thereof the words "[of the men's
27 penitentiary at Fort Madison, the men's reformatory
28 at Anamosa, and the women's reformatory at Rockwell
29 City, nor shall any] of state institutions under the
30 control of the director of the division of adult
31 corrections, nor shall any".

32 9. Page 8, line 26, by striking the word "inmates"
33 and inserting in lieu thereof the words "[inmates]
34 residents".

35 10. Page 19, lines 13 and 14, by striking the
36 words " , a transitional bilingual, or other" and
37 inserting in lieu thereof the words "[, a transitional
38 bilingual,] or [other] a".

39 11. Page 19, lines 21 and 22, by striking the
40 words " , a transitional bilingual or other" and
41 inserting in lieu thereof the words "[, a transitional
42 bilingual] or [other] a".

43 12. Page 22, line 12, by striking the words "low-
44 income person", and inserting in lieu thereof the
45 words "'low-income person'".

46 13. Page 25, line 14, by striking the word "Ten"
47 and inserting in lieu thereof the word "Fifteen".

48 14. Page 26, line 5, by striking the word "ten"
49 and inserting in lieu thereof the word "fifteen".

50 15. Page 32, by inserting after line 35 the

Page 2

1 following new section:

2 "Sec. ____ There is appropriated from the general
3 fund of the state to the department of revenue for
4 the fiscal year beginning July 1, 1982 and ending
5 June 30, 1983, the sum of twenty-five thousand (25,000)
6 dollars, or so much thereof as may be necessary, to
7 conduct a study of the stress days and grain price
8 differentials for use in determining agricultural
9 productivity for purposes of valuing agricultural
10 land.

11 16. Page 35, line 10, by inserting after the word
12 "staff" the words "of not less than two full-time
13 equivalent positions and necessary support with funds
14 appropriated under this subparagraph".

15 17. Page 38, by striking line 34 and inserting
16 in lieu thereof the words "state to the office of
17 the governor for the".

18 18. Page 39, by inserting before line 4 the
19 following:

20 "Sec. 1000. COMMUNITY WORK PROGRAM FOR UNEMPLOYED
21 PARENTS. The department of social services shall
22 establish a community work program in each county
23 for unemployed parents for the fiscal year beginning
24 July 1, 1982, and ending June 30, 1983 by contracting
25 at reasonable cost with county boards of supervisors
26 or another local organization designated by both the
27 county board of supervisors and the department of
28 social services. At the time of determining
29 eligibility for the unemployed parents program under
30 the aid to families with dependent children program
31 pursuant to section 89 of this Act, the department
32 of social services shall determine whether the
33 principal wage earner is eligible for work under the
34 community work program. The county boards of
35 supervisors or the designated local organizations
36 shall work with community groups concerned with the
37 delivery of local services to develop work assignments
38 in order to fully utilize public resources to meet
39 public needs and to allow unemployed parents to
40 contribute to the betterment of the community. The
41 county board of supervisors or the designated local
42 organizations shall assign participants in the
43 community work program to work in accordance with
44 applicable federal regulations. The work assignments
45 may be with governmental entities, including school
46 districts, and with nonprofit agencies and
47 organizations. The work assignments shall maintain

48 the dignity of the participants and shall be of benefit
49 to the community.”
50 The state shall provide workers' compensation

Page 3

1 benefits under chapters 85, 85A, 85B, and 86 to
2 participants in the community work program and those
3 chapters shall be exclusive, compulsory, and obligatory
4 upon the state and the participants in the community
5 work program.

6 19. Page 40, by striking line 5 and inserting
7 in lieu thereof the figure “55,500,000”.

8 20. Page 40, by striking lines 11 through 28 and
9 inserting in lieu thereof the following: “ending June
10 30, 1983, the department of social services shall
11 provide benefits under an unemployed parent program
12 under the aid to families with dependent children
13 program. In determining the amount of a grant under
14 the program, the spouse of an unemployed parent shall
15 be excluded from the eligible group. Medical
16 assistance shall only be available to individuals
17 included in the eligible group. The department of
18 social services shall request a waiver from the United
19 States department of health and human services to
20 limit grants under the unemployed parent program to
21 six months for any eligible group.

22 The department of social services shall require
23 income maintenance workers, at the time of their
24 review of unemployed parents' monthly reports, to
25 monitor the job search, application, and acceptance
26 requirements under the community work program which
27 shall at a minimum require unemployed parents to meet
28 the job search, application, and acceptance
29 requirements necessary to receive unemployment
30 compensation benefits under the Iowa administrative
31 code 370-4.22(1)“c” and section 96.5, subsection 3.
32 However, only the suitable work reference in section
33 96.5, subsection 3, paragraph a, subparagraph (4)
34 shall apply. In addition, the unemployed parents
35 shall accept work assignments established under the
36 community work program for unemployed parents under
37 section 1000 of this Act.”

38 21. Page 40, by inserting after line 31 the
39 following:

40 *NEW PARAGRAPH.* The department of social services
41 shall exercise the option allowed by federal law to
42 provide benefits under the aid to families with
43 dependent children program to eighteen year old

- 44 students, notwithstanding section 239.1, subsection
 45 3, as amended by Acts of the Sixty-ninth General
 46 Assembly, 1981 Session, chapter 7, section 12.”
 47 22. Page 41, by striking lines 12 through 24.
 48 23. Page 43, by striking line 11, and inserting
 49 in lieu thereof the figure “113,830,000”.
 50 24. Page 43, by inserting after line 11 the

Page 4

1 following:

2 *“Of the funds appropriated in this subsection for*
 3 *the fiscal year beginning July 1, 1982, and ending*
 4 *June 30, 1983, thirty thousand (30,000) dollars, or*
 5 *so much thereof as is necessary, shall be expended*
 6 *by the department of social services for additional*
 7 *staffing in the third party liability unit of the*
 8 *bureau of medical services. The department shall*
 9 *conduct investigations to determine the availability*
 10 *of workers' compensation, medicare, major medical*
 11 *insurance, and other third party liability sources*
 12 *for payment of medical assistance claims. The*
 13 *department shall pursue recovery of funds from third*
 14 *party liability sources when the sources are available*
 15 *and shall pursue benefits from insurance policies*
 16 *carried by absent parents through coordination with*
 17 *the child support recovery program. State's share*
 18 *of funds recouped through these efforts shall be*
 19 *returned to the medical assistance program.*

20 25. Page 43, line 16, by inserting after the word
 21 “for” the words “supplementing funds appropriated
 22 for”.

23 26. Page 44, by inserting after line 29 the
 24 following:

25 “Sec. ____ The department of social services shall
 26 report to the general assembly meeting in the year
 27 1983 on the impact of the elimination of medical
 28 assistance to children under twenty-one years of age
 29 who meet all eligible criteria of the aid to families
 30 with dependent children program except that the
 31 children are not deprived of parental support. The
 32 report shall include the impact on these children
 33 and their families of the reinstatement of the
 34 unemployed parent program and the establishment of
 35 the community work program, as well as the impact
 36 of all three changes on county general relief and
 37 county public health funds.”

38 27. Page 47, by striking line 10 and inserting
 39 in lieu thereof the figure “1,754,000”.

40 28. Page 48, by striking line 22, and inserting
41 in lieu thereof the figure "2,837,000".
42 29. Page 49, by striking line 18, and inserting
43 in lieu thereof the figure "22,401,000".
44 30. Page 50, line 13, by striking the words and
45 figure "four million four hundred fifteen thousand
46 "4,415,000)" and inserting in lieu thereof the words
47 and figure "four million six thousand (4,006,000)".
48 31. Page 51, line 8, by inserting after the word
49 "funds." the words "However, a county board of
50 supervisors may set aside no more than four percent

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1 of the federal and state funds allocated to the county
2 under this section for the purchase of day care
3 services without matching the federal and state funds
4 with local funds."

5 32. By striking page 51, line 32 through page
6 52, line 6.

7 33. Page 52, by inserting after line 6 the
8 following:

9 "Sec. ____ Beginning on and after July 1, 1982,
10 the department of social services shall limit the
11 annual inflation and cost-based reimbursement increases
12 to purchase of service providers contracting with
13 the department up to a maximum of eight percent of
14 the current reimbursement. This section does not
15 apply to foster residential care and foster group
16 home providers receiving the maximum reimbursements,
17 but does apply to those providers receiving
18 reimbursements below the maximum reimbursements."

19 34. Page 52, by inserting after line 18 the
20 following:

21 "Sec. ____ There is appropriated from the general
22 fund of the state for the fiscal period beginning
23 July 1, 1982, and ending June 30, 1983, to the
24 department of social services three hundred thousand
25 (300,000) dollars, or so much thereof as is necessary,
26 to be allocated to the counties through the
27 department's district offices for sheltered work and
28 work activity services, provided all of the following
29 conditions are met:

30 1. The counties shall match every three dollars
31 of funds allocated to the counties under this section
32 with one dollar of local funds.

33 2. The funds shall not be used for other than
34 sheltered work and work activity services.

35 3. The department of social services, in

36 establishing eligibility standards for sheltered work
37 and work activity services, shall disregard the first
38 sixty-five dollars of income from sheltered work or
39 work activity services and fifty percent of any income
40 from sheltered work or work activity services above
41 sixty-five dollars.

42 The district administrator may transfer funds among
43 the counties in the district if a county does not
44 use all of the funds allocated to the county under
45 this section. The funds shall not be used for other
46 than sheltered work and work activity services."

47 35. Page 54, by inserting after line 2 the
48 following:

49 "Sec. ____ There is appropriated from the general
50 fund of the state for the fiscal period beginning

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1 January 1, 1983, and ending June 30, 1983, to the
2 department of social services, two hundred thousand
3 (200,000) dollars, or so much thereof as is necessary,
4 for the development and operation of a dependent adult
5 abuse program by the community services division.

6 The department of social services, on January 1,
7 1983 or as soon thereafter as practicable, shall
8 establish a program relating to the providing of
9 services in cases of dependent adult abuse. The
10 program shall emphasize the reporting and evaluation
11 of dependent adult abuse of an adult who is unable
12 to protect his or her own interests or unable to
13 perform or obtain essential services. For the purposes
14 of the program "dependent adult abuse" means:

15 1. Any of the following as a result of the willful
16 or negligent acts or omissions of a caretaker:

17 a. Physical injury to or unreasonable confinement
18 or cruel punishment of a dependent adult.

19 b. The commission of a sexual offense under chapter
20 709 or section 726.2 with or to a dependent adult.

21 c. Exploitation of a dependent adult which means
22 the act or process of taking unfair advantage of a
23 dependent adult or the adult's physical or financial
24 resources for one's own personal or pecuniary profit
25 by the use of undue influence, harassment, duress,
26 deception, false representation, or false pretenses.

27 d. The deprivation of the minimum food, shelter,
28 clothing, supervision, physical and mental health
29 care, and other care necessary to maintain a dependent
30 adult's life or health.

31 2. The deprivation of the minimum food, shelter,

32 clothing, supervision, physical and mental health
33 care, and other care necessary to maintain a dependent
34 adult's life or health as a result of the acts or
35 omissions of the dependent adult.

36 Adult abuse does not include depriving a dependent
37 adult of medical treatment if the dependent adult
38 is an adherent of a religion whose tenets and practices
39 call for reliance on spiritual means through prayer
40 alone in place of reliance on medical treatment.

41 A person who believes that a dependent adult has
42 suffered abuse may report the suspected abuse to the
43 department of social services.

44 The department shall receive dependent adult abuse
45 reports and shall collect, maintain, and disseminate
46 the reports in a statewide registry and shall inform
47 the appropriate county attorneys of any reports.
48 The department shall evaluate the reports
49 expeditiously. However, the state department of
50 health is solely responsible for the evaluation and

Page 7

1 disposition of adult abuse cases within health care
2 facilities and shall inform the department of social
3 services of such evaluations and dispositions.

4 For purposes of the dependent adult abuse program
5 the department of social services shall expand the
6 central registry for child abuse to include reports
7 of dependent adult abuse and chapter 235A shall apply
8 to the statewide registry for dependent adult abuse.

9 The department of social services shall complete
10 an assessment of needed services, shall make
11 appropriate referrals to services, and in the best
12 interest of the dependent adult shall initiate court
13 action for the appointment of a guardian or conservator
14 or for admission or commitment to an appropriate
15 institution or facility.

16 The department may provide necessary protective
17 services and may establish a sliding fee schedule
18 for those persons able to pay a portion of the
19 protective services provided.

20 The department shall submit a final report by
21 January 1, 1984 to the governor and the senate and
22 house committees on human resources reporting its
23 findings and recommendations regarding the continuance
24 of a state dependent adult abuse program.

25 For purposes of this program and upon showing of
26 probable cause that a dependent adult has been abused,
27 a district court may authorize a person, authorized

28 by the department, to make an evaluation, to enter
 29 the residence of, and to examine the dependent adult.
 30 A person participating in good faith in reporting
 31 or cooperating or assisting the department in
 32 evaluating a case of dependent adult abuse has immunity
 33 from liability, civil or criminal, which might
 34 otherwise be incurred or imposed based upon the act
 35 of making the report or giving the assistance. The
 36 person has the same immunity with respect to
 37 participation in good faith in a judicial proceeding
 38 resulting from the report or assistance or relating
 39 to the subject matter of the report or assistance.
 40 The department shall adopt rules pursuant to chapter
 41 17A to implement the dependent adult abuse program.”
 42 36. Page 57, line 2, by inserting after the word
 43 “the” the words: “community work program for
 44 unemployed parents, the”.
 45 37. Page 57, line 10, by striking the word and
 46 figure “and 102” and inserting in lieu thereof the
 47 word and figures “102, and 1000”.
 48 38. Page 58, line 32, by striking the word
 49 “capital” and inserting in lieu thereof the word
 50 “capitol”.

Page 8

1 39. Page 59, by inserting after line 5 the
 2 following:
 3 “Sec. ____ If the appropriations made by this
 4 Act create a general fund balance that results in
 5 the state comptroller having to delay or consider
 6 delaying making any payments authorized by this Act,
 7 or any other Act making appropriations, the state
 8 comptroller shall make a monthly report to members
 9 of the general assembly relating to the fiscal
 10 condition of the state and the report shall include,
 11 but not be limited to, the revenue growth for the
 12 previous month, and the general fund balance, which
 13 shall reflect the total general fund obligations not
 14 satisfied at the end of the month.”
 15 40. By renumbering as necessary.

**HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE FILE 2090**

S-5789

1 Amend amendment H-5962, the Senate amendment to
 2 House File 2090, as follows:

- 3 1. Page 1, by striking lines 3 through 10.
- 4 2. Page 1, by striking lines 39 through 41.
- 5 3. By renumbering as necessary.

S-5790

- 1 Amend Senate File 2312 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "facilities" the word "may".

EMIL J. HUSAK

S-5791

- 1 Amend House File 2476 as passed by House, as
- 2 follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "assignment." the words "If an applicant or another
- 5 person covered by an application ceases to receive
- 6 assistance under this chapter and the applicant or
- 7 other person covered by the application receives a
- 8 periodic support payment, the department of social
- 9 services is entitled only to that amount of the
- 10 periodic support payment above the current periodic
- 11 support obligation."
- 12 2. Page 1, line 27, by inserting after the word
- 13 "services." the words "*The department shall immediately*
- 14 *notify the clerk of court by mail when a person*
- 15 *entitled to support payments has been determined to*
- 16 *be eligible for public assistance.*"
- 17 3. Page 2, by inserting after line 7 the following:
- 18 "Sec. ____ Section 252B.3, Code 1981, is amended
- 19 by adding the following new unnumbered paragraph:
- 20 *NEW UNNUMBERED PARAGRAPH.* The department of social
- 21 services may negotiate a partial payment of a support
- 22 obligation with a parent or other person responsible
- 23 for the support of the child, provided that the
- 24 negotiation and partial payment are consistent with
- 25 applicable federal law and regulation."
- 26 4. Page 2, line 18, by inserting after the word
- 27 "services." the words "*The department shall immediately*
- 28 *notify the clerk of court by mail when a person*
- 29 *entitled to support payments has been determined to*
- 30 *be eligible for public assistance.*"
- 31 5. Page 3, line 7, by inserting after the word
- 32 "services." the words "*The department shall immediately*
- 33 *notify the clerk of court by mail when a person*
- 34 *entitled to support payments has been determined to*
- 35 *be eligible for public assistance.*"

36 6. By numbering and renumbering as necessary.

ARNE WALDSTEIN
BOB RUSH
WILLIAM D. PALMER
DICK RAMSEY

S-5792

- 1 Amend Senate File 2312 as follows:
2 1. Page 1, line 14, by inserting after the words
3 "which facilities" the word "may".

EMIL J. HUSAK

S-5793

- 1 Amend Senate File 2313 as follows:
2 1. Page 1, by inserting after line 12 the following
3 new paragraph:
4 "The governor shall appoint persons representing
5 all transportation modes and persons affected by the
6 transportation industry including:
7 1. Representatives of transportation providers
8 including railroads, trucking, air, water and public
9 transit.
10 2. Representatives of transportation users
11 including manufacturers, grain shippers, and retail
12 businesses.
13 3. Representatives of the general public who are
14 interested and affected by the state's transportation
15 system including representatives of labor, the general
16 public, client service support agencies, and the
17 automobile association.
18 4. Representatives of the state and the political
19 subdivisions of the state including members of the
20 general assembly, a representative of the state
21 department of transportation, a representative of
22 the county engineers association, a representative
23 of the league of Iowa municipalities, a representative
24 of the Iowa association of county supervisors, and
25 a representative of a regional planning agency."

JOHN W. JENSEN

S-5794

- 1 Amend the House amendment, S-5788, to Senate File
2 2304, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 20 and 21.

GARY L. BAUGHER

S-5795

- 1 Amend the House amendment, S-5788, to Senate File
- 2 2304, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 46 through 49.

BOB RUSH

S-5796

- 1 Amend Senate File 2312 as follows:
- 2 1. Page 1, by inserting after line 17 the
- 3 following:
- 4 "Sec. ____ Section 427.1, Code 1981, is amended
- 5 by adding the following new subsection:
- 6 *NEW SUBSECTION.* Grain and soybean storage
- 7 facilities built during the 1982 calendar year are
- 8 exempt from property taxes for five consecutive fiscal
- 9 years beginning with the fiscal year beginning July
- 10 1, 1983. This exemption applies only to the grain
- 11 and soybean bins."
- 12 2. Title page, line 3, by inserting after the
- 13 word "facilities" the words ", providing for an
- 14 exemption from property tax for five years for certain
- 15 storage facilities,".
- 16 3. By numbering as necessary.

FORREST V. SCHWENGELS
NORMAN RODGERS

HOUSE AMENDMENT TO SENATE FILE 2153

S-5797

- 1 Amend Senate File 2153, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 1 through page 2,
- 4 line 33, and inserting in lieu thereof the following:
- 5 "Section 1. Section 422.45, Code 1981, is amended
- 6 by adding the following new subsection:
- 7 *NEW SUBSECTION.* The gross receipts from the sales
- 8 by a trade shop to a printer of lithographic-offset
- 9 plates, photoengraved plates, engravings, negatives,
- 10 color separations, the end products of image
- 11 modulation, or any other base material used as a
- 12 carrier for light-sensitive emulsions to be used by
- 13 the printer to complete a finished product for sale
- 14 at retail. For purposes of this subsection, "trade
- 15 shop" means a business which is not normally engaged

16 in printing and which sells supplies to printers,
 17 including but not limited to, lithographic-offset
 18 plates, photoengraved plates, engravings, negatives,
 19 color separations, end products of image modulation,
 20 or other base material used as a carrier for light-
 21 sensitive emulsions.”

22 2. Page 3, by inserting after line 12, the
 23 following:

24 “Any rules or written pronouncements interpreting
 25 the revenue laws that were made by the Director of
 26 Revenue or by the director of any division of the
 27 Department of Revenue prior to the effective date
 28 of the Iowa Administrative Procedure Act shall be
 29 deemed to have been and continue to be in full force
 30 and effect until reversed, repealed or modified in
 31 accordance with the provisions of the Administrative
 32 Procedure Act or by law.”

33 3. Title page, line 1, by inserting after the
 34 word “state” the words “revenue regulations,”.

35 4. Title page, by striking lines 2 and 3 and
 36 inserting in lieu thereof the words “exempting from
 37 the taxes sales by trade shops to printers of the
 38 end products of image modulation, lithographic-offset”.

39 5. Renumbering as necessary.

HOUSE AMENDMENT TO SENATE AMENDMENT
 TO HOUSE JOINT RESOLUTION 2003

S-5798

1 Amend the Senate amendment, H-6011, to House Joint
 2 Resolution 2003, as amended, passed and reprinted
 3 by the House, as follows:

4 1. Page 1, by striking lines 3 and 4

5 2. Page 1, by striking lines 11 through 15.

6 3. By renumbering as necessary.

S-5799

1 Amend Senate File 2312 as follows:

2 1. Page 1, by inserting after line 17 the
 3 following:

4 “Sec. ____ Section 422.45, Code 1981, is amended

5 by adding the following new subsection:

6 *NEW SUBSECTION.* The gross receipts from the sale
 7 of tangible personal property used in the construction
 8 of grain and soybean storage facilities for use on
 9 a farm and from the sale of grain and soybean drying
 10 and aerating equipment which are used on a farm.

11 This exemption applies to all sales made on or after
12 January 1, 1982. The department shall provide for
13 the refunding of sales tax for those who have paid
14 the tax on sales made after January 1, 1982."

15 2. Title page, line 3, by inserting after the
16 word "facilities" the words ", providing a sales,
17 services and use tax exemption for sales on or after
18 January 1, 1982 of tangible personal property used
19 in construction of storage facilities and of grain
20 and soybean drying and aerating equipment used on
21 a farm, providing for a refund of certain sales, ser-
22 vices and use taxes paid,".

NORMAN RODGERS
C.W. BILL HUTCHINS
BASS VAN GILST

S-5800

1 Amend House File 2479 as amended, passed, and re-
2 printed by the House as follows:

3 1. Page 1, by striking line 1 and inserting in
4 lieu thereof the following:

5 "Section 1. Section 422.9, subsection 2 and
6 subsection 2, paragraph b, Code 1981, are amended
7 to read as follows:

8 1. An optional standard deduction of fifteen
9 percent of the net income after deduction of federal
10 income tax, not to exceed one thousand two hundred
11 dollars for a married person who files separately,
12 one thousand two hundred dollars for a single person
13 or three thousand dollars for a husband and wife who
14 file a joint return, a surviving spouse as defined
15 in section 2 of the Internal Revenue Code of 1954,
16 or an unmarried head of household as defined in the
17 Internal Revenue Code of 1954. *However, the amount
18 of the deduction for federal taxes paid or accrued
19 shall be all of the taxes paid or accrued up to thirty
20 thousand dollars and fifty percent of all taxes paid
21 or accrued in excess of thirty thousand dollars.*

22 b. Add the amount of federal income taxes paid
23 or accrued as the case may be, during the tax year,
24 adjusted by any federal income tax refunds. *However,
25 the amount added shall be all of the taxes paid or
26 accrued up to thirty thousand dollars and fifty per-
27 cent of all taxes paid or accrued in excess of thirty
28 thousand dollars. [Provided, however, that where] If
29 married persons, who have filed a joint federal income
30 tax return, file separately, [such] the total shall
31 be divided between them according to the portion*

32 [thereof] paid or accrued[, as the case may be,] by each.

33 Sec. 2. Section 422.35, Code 1981, as amended by
34 Acts"

35 2. Page 1, line 9, by striking the word "This"
36 and inserting in lieu thereof the words and figure
37 "Section 2 of this".

38 3. Page 1, by inserting after line 10 the
39 following:

40 "Sec. ____ Section 1 of this Act is retroactive
41 to January 1, 1982 for tax years beginning on or after
42 January 1, 1982."

43 4. Title page, line 2, by inserting after the
44 words "income taxes" the words ", limiting the
45 deductibility of federal taxes paid in computing
46 income taxes,".

NORMAN RODGERS

S-5801

1 Amend the House amendment, S-5788, to Senate File
2 2304 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 36 through 40 and
5 inserting in lieu thereof the following:

6 "Dependent adult abuse does not include:

7 a. Depriving a dependent adult of medical treatment
8 if the dependent adult is an adherent of a religion
9 whose tenets and practices call for reliance on
10 spiritual means through prayer alone in place of
11 reliance on medical treatment.

12 b. The withholding and withdrawing of health care
13 from a dependent adult when the withholding and
14 withdrawing of health care is done at the request
15 of the dependent adult or at the request of the
16 dependent adult's next-of-kin or guardian when the
17 dependent adult is unable to express his or her wishes
18 and is terminally ill in the opinion of a licensed
19 physician."

BOB RUSH

S-5802

1 Amend House File 2479 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, by striking line 1 and inserting in
4 lieu thereof the following:

5 "Section 1. Section 422.9, Code 1981, as amended
6 by Acts of the Sixty-ninth General Assembly, 1982

7 Session, House File 2171, sections 9 and 10, is amended
 8 by adding the following new subsection:
 9 *NEW SUBSECTION.* Notwithstanding the deduction
 10 for federal income taxes paid or accrued under
 11 subsection 1 or subsection 2, paragraph b, for the
 12 tax years beginning on or after January 1, 1982 and
 13 the tax years ending before January 1, 1983 only,
 14 the deduction for federal income taxes paid or accrued
 15 shall be an amount as allowed under this subsection,
 16 if the comptroller estimates on October 1, 1982 that
 17 the state general fund balance for the fiscal year
 18 beginning July 1, 1982 and ending June 30, 1983 will
 19 be fifteen million dollars or less. For the tax years
 20 beginning on or after January 1, 1982 and the tax
 21 years ending before January 1, 1983, the amount of
 22 the deduction for federal income taxes paid or accrued
 23 shall be equal to all of the federal income taxes
 24 paid or accrued up to thirty thousand dollars and
 25 fifty percent of all federal income taxes paid or
 26 accrued in excess of thirty thousand dollars.
 27 Sec. 2. Section 422.35, Code 1981, as amended
 28 by Acts".
 29 2. Title page, line 2, by inserting after the
 30 words "income taxes" the words "limiting under certain
 31 circumstances the deductibility of federal income
 32 taxes paid in computing income taxes".

NORMAN RODGERS

S-5803

1 Amend House File 2493 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 11, by inserting after the word
 4 "law" the words "except a scheduled traffic violation
 5 as enumerated in section 805.8, the Code".

C. JOSEPH COLEMAN

S-5804

1 Amend House amendment, S-5788 to Senate File 2304
 2 as amended, passed and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, by inserting after line 37 the
 5 following:
 6 "____ Page 44, line 33, by striking the word and
 7 figures "October 1, 1982" and inserting in lieu thereof
 8 the word and figures "January 1, 1983".
 9 ____ Page 46, line 10, by striking the word and

- 10 figures "October 1, 1982" and inserting in lieu thereof
 11 the word and figures "January 1, 1983."
 12 2. By renumbering as necessary.

BOB RUSH

S-5805

- 1 Amend the House amendment, S-5788, to Senate File
 2 2304, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, by striking lines 35 through 42.
 5 2. Page 2, line 24, by striking the word and
 6 figures "June 30, 1983" and inserting in lieu thereof
 7 the word and figures "March 31, 1983".
 8 3. Page 3, by striking lines 6 and 7.
 9 4. Page 3, lines 9 and 10, by striking the word
 10 and figures "June 30, 1983" and inserting in lieu
 11 thereof the word and figures "March 31, 1983".
 12 5. Page 3, lines 16 and 17, by striking the words
 13 "only be available to individuals included in the
 14 eligible group" and inserting in lieu thereof the
 15 words "be available to the spouse of an unemployed
 16 parent".
 17 6. Page 3, by striking lines 38 through 46.
 18 7. Page 3, by striking line 49 and inserting in
 19 lieu thereof the words and figure "in lieu thereof
 20 the figure "113,909,000
 21 *Medical assistance shall be made available,*
 22 *beginning July 1, 1982 and ending March 31, 1983,*
 23 *to children under twenty-one years of age who meet*
 24 *all eligible criteria of the aid to families with*
 25 *dependent children program except that the children*
 26 *are not deprived of parental support." "*
 27 8. By striking page 4, lines 23 through 37.
 28 9. Page 4, by striking lines 38 and 39.
 29 10. Page 5, by striking lines 5 and 6.
 30 11. By renumbering as necessary.

JOHN S. MURRAY

S-5806

- 1 Amend House File 2497 as amended and passed by
 2 the House, as follows:
 3 1. Page 3, by inserting after line 25 the
 4 following:
 5 "Sec. 4. Chapter 52, Code 1981, is amended by
 6 adding the following new section:
 7 **NEW SECTION. PERIODIC TRANSFER OF ELECTRONIC**

8 BALLOTS. The state commissioner of elections shall
9 adopt rules under chapter 17A authorizing that at
10 intervals throughout an election day ballots may be
11 transferred to and tabulated by a counting center
12 established under section 52.34, provided that results
13 of a tabulation shall not be released prior to the
14 closing of the polls.

15 Sec. 5. This Act, being deemed of immediate
16 importance, takes effect from and after its publication
17 in The Boone News-Republican, a newspaper published
18 in Boone, Iowa, and in the Muscatine Journal, a
19 newspaper published in Muscatine, Iowa."

20 2. Amend the title, line 1, by striking the words
21 "political candidacy" and inserting in lieu thereof
22 the words "elections, by requiring the state
23 commissioner of elections to adopt administrative
24 rules to allow ballots to be periodically transferred
25 to and tabulated by counting centers, and".

ARTHUR A. SMALL, JR.
RICHARD F. DRAKE

S-5807

1 Amend House amendment, S-5788, to Senate File 2304,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 5, by inserting after line 8 the following:
5 "The department of social services shall conduct
6 a public hearing in each district of the department
7 of social services and report to the legislative
8 council before making any adjustments required by
9 this section."

TOM SLATER
ARNE WALDSTEIN

REPORTS OF CONFERENCE COMMITTEES

**Filed During The
Sixty-ninth General Assembly
1982 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 268

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 268, a bill for an Act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services, respectfully make the following report:

1. That the Senate recede from its amendment, H-6048, to the House amendment, S-5566, to Senate File 268, as amended, passed, and reprinted by the Senate.

2. That the House recede from its amendment, S-5566, to Senate File 268, as amended, passed, and reprinted by the Senate.

3. That Senate File 268, as amended, passed, and reprinted by the Senate, be amended as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Sections 2 through 8 of this Act are enacted as a new chapter of the Code.

Sec. 2. *NEW SECTION. CONDUCT REVIEW.* The commissioner of social services shall appoint independent hearing officers to review as provided in section 4 of this Act, the conduct of inmates in institutions under the department of social services, division of corrections.

Sec. 3. *NEW SECTION. GOOD CONDUCT TIME.* Each inmate of an institution under the department of social services, division of adult corrections, shall be given a reduction of sentence pursuant to the rules of the department which reduction shall not be more than one day for each day of good conduct of the inmate while committed to one of the division's institutions. However, the accumulation of good conduct time is subject to the maximum limits which may be earned and applied to the reduction of an offender's sentence pursuant to the rules promulgated under section 906.3, unnumbered paragraph 2. If the rules of the department reduce the amount of sentence reduction that may be earned for each day of good conduct, the amount of sentence reduction already earned by an inmate shall not be reduced retroactively, although it may be reduced prospectively and may be subject to forfeiture pursuant to section 4 of this Act. Computation of good conduct time is subject to the following conditions:

1. Time served in jail or other facility, credited by the clerk of court prior to actual placement in a correctional institution, shall accrue for purposes of reduction of sentence under this section.

2. Time spent during escape shall be forfeited for purposes of reduction of sentence under this section. An inmate who intentionally escapes may forfeit all good conduct time accrued and not forfeited prior to the escape, unless the inmate voluntarily surrenders.

3. Time between parole violation or violation of supervised release as defined in section 33 of this Act, and incarceration shall be forfeited for purposes of reduction of sentence under this section.

4. Time spent during parole or supervised release as defined by section 33 of this Act, shall not accrue for purposes of reduction of sentence under this section.

5. Good conduct time shall not accrue to an inmate while serving a life sentence. However, good conduct time shall accrue after an inmate's life sentence is commuted and shall be computed as of the date of commutation, not the date of commitment to the custody of the director.

6. Except in life sentences, good conduct time shall be credited to the maximum sentence on a periodic basis.

Sec. 4. *NEW SECTION.* LOSS OR FORFEITURE OF GOOD CONDUCT TIME.

1. Upon finding that an inmate has violated an institutional rule, the independent hearing officer may order forfeiture of any or all good conduct time earned and not forfeited up to the date of the infraction by the inmate. The independent hearing officer shall have discretion within the guidelines established pursuant to section 5 of this Act, to determine the amount of time that should be forfeited based upon the severity of the infraction. Prior infractions by the inmate may be considered by the hearing officer in the decision.

2. Forfeiture of good conduct time pursuant to this section shall increase by the amount of the forfeiture, the mandatory minimum term of incarceration as defined by section 33, subsection 1 of this Act, the time served before the inmate is to be interviewed for parole pursuant to section 906.5, and the time served before the inmate is eligible for release because of the accrual of good conduct time.

3. The orders of the hearing officer are subject to appeal to the superintendent or warden of the institution who may either affirm, modify, remand for correction of procedural errors, or reverse the order, provided however that in no instance shall any sanctions be increased on appeal. A decision of the superintendent or warden is subject to review by the director of the division of adult corrections who may either affirm, modify, remand for correction of procedural errors, or reverse the decision, provided however that in no instance shall any sanction be increased.

4. The director of the division of adult corrections may restore all or any portion of previously forfeited good conduct time and may readjust the mandatory term of incarceration as defined by section 33, subsection 1 of this Act, the time served before the inmate is interviewed for parole pursuant to section 906.5, and the time served

before the inmate is eligible for release because of the accrual of good conduct time, by the amount of the restored good conduct time. Good conduct time forfeited may be restored by the director for acts of heroism or for other extraordinarily meritorious actions. The director shall establish by rule the requirements as to which activities may warrant the restoration of good conduct time and the amount of good conduct time to be restored.

5. The inmate disciplinary procedure including but not limited to the method of forfeiting time pursuant to this chapter, is not a contested case subject to chapter 17A.

Sec. 5. *NEW SECTION. POLICIES AND PROCEDURES.* The director of the division of adult corrections, department of social services, shall develop policy and procedural rules to implement sections 2 through 4 of this Act. The director shall establish rules specifying as to what constitutes a day of good conduct which rules may require the inmate's employment in the institution, in Iowa state industries, in an inmate employment program established by director, or may require the inmate to participate in an educational program approved by the director, when such employment or programs are available; specifying disciplinary offenses which may result in the loss of good conduct time; and specifying the amount of good conduct time which may be lost as a result of each disciplinary offense.

Sec. 6. *NEW SECTION. TIME TO BE SERVED--CREDIT.* An inmate shall not be discharged from the custody of the director of the division of adult corrections until the inmate has served the full term for which the inmate was sentenced, less good conduct time earned and not forfeited, unless the inmate is pardoned or otherwise legally released. Good conduct time earned and not forfeited shall not apply to reduce a mandatory minimum term of incarceration. The inmate shall be deemed to be serving the sentence from the day on which the inmate is received into the institution. However, if an inmate was confined to a county jail or other correctional or mental facility at any time prior to sentencing, or after sentencing but prior to the case having been decided on appeal, because of failure to furnish bail or because of being charged with a nonbailable offense, the inmate shall be given credit for the days already served upon the term of the sentence. The clerk of the district court of the county from which the inmate was sentenced, shall certify to the warden the number of days so served.

An inmate shall not receive credit upon the inmate's sentence for time:

- a. Spent in custody in another state resisting return to Iowa following an escape; or
- b. Served in an institution or jail of another jurisdiction during any period of time the person is receiving credit upon a sentence of that other jurisdiction.

Sec. 7. *NEW SECTION. GOOD AND HONOR TIME APPLICATION.* Sections 246.38, 246.39, 246.41, 246.42, 246.43, and 246.45 as the sections appear in the 1981 Code, remain in effect for those inmates sentenced for offenses committed prior to July 1, 1982.

Sec. 8. *NEW SECTION. SEPARATE SENTENCES.* When an inmate is committed under several convictions with consecutive sentences, they shall be construed as one continuous sentence in the granting or forfeiting of good conduct time.

Sec. 9. *NEW SECTION. COMMISSION ESTABLISHED.* A commission of thirteen members to be known as the sentencing evaluation commission is established. Members of the commission shall include the following:

1. The chief justice of the supreme court or the chief justice's designee.
2. Two district court judges appointed by the majority vote of the state judicial council.
3. One public defender appointed by the governor.
4. One county attorney appointed by the governor.
5. The director of the division of adult corrections of the department of social services or the director's designee.
6. One representative of community corrections appointed by the governor.
7. One practicing criminal trial defense attorney appointed by the governor.
8. The attorney general of the state or the attorney general's designee.
9. Four public members appointed by the governor who shall have knowledge of penology or correctional institutions.

Sec. 10. *NEW SECTION. LENGTH OF APPOINTMENT.* Each voting member of the commission shall be appointed for four years. Each nonvoting member of the commission shall be appointed for two years. Each member shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed. Members are eligible for reappointment, and appointment may be made to fill an unexpired term.

Sec. 11. *NEW SECTION. OFFICERS--MEETINGS.* The commission shall elect a chairperson and other officers it deems necessary from among its membership. It shall meet on the call of the chairperson or a majority of the members.

Sec. 12. *NEW SECTION. DUTIES.*

1. The commission shall study the impact of sentencing laws and practices including but not limited to noninstitutional sanctions as fines, restitution, work release, community-based correctional programs, probation, deferred judgment, deferred sentence and suspended sentences.

2. The commission shall make recommendations to the general assembly at the beginning of each session and to the governor, regarding changes in the laws of sentencing, the criminal code, criminal procedures, the rules of the department of social services concerning correctional institutions and regarding other aspects of sentencing.

Sec. 13. *NEW SECTION. EXPENSES.* Members of the commission shall receive actual and reasonable expenses, including travel at the state rate set forth in section 18.117. In addition to the reimbursement for expenses as provided for in this section, members of the commission who are not officers or employees of state or local government, shall receive a per diem of forty dollars for each day in which they are engaged in the performance of the duties of the commission. The office of the supreme court administrator and the office for planning and programming shall provide necessary staff assistance to the commission in the performance of its duties.

Sec. 14. Section 217.14, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Inmates sentenced for any term by a court of or in the United States, may be received for the custody of the director and kept in pursuance of their sentences. Inmates committed to the custody of the director may be transferred to the federal bureau of prisons or to another jurisdiction pursuant to the interstate corrections compact. If the inmates objects, the transfer shall require approval of the governor.

Sec. 15. Section 218.40, Code 1981, is amended to read as follows:

218.40 *SERVICES REQUIRED.* Inmates of said institutions subject to the provisions hereinafter provided, may be required to render any proper and reasonable service *including hard labor suited to the inmate's strength and attainments*, either in the institutions proper or in the industries established in connection therewith.

Sec. 16. Section 232.55, subsection 2, Code 1981, is amended to read as follows:

2. The adjudication and disposition of a child and evidence given in a proceeding under this division shall not be admissible as evidence against the child in any subsequent proceeding in any other court before or after reaching majority except in a sentencing proceeding after conviction of a felony or *aggravated misdemeanor, and a presentence investigation for these offenses may include information as to the adjudication and disposition as evidenced by a proceeding under this division.*

Sec. 17. Section 245.3, Code 1981, is amended to read as follows:

245.3 *SERVICE REQUIRED.* The superintendent may, with the approval of the state director, require any inmate to perform any service *including hard labor, suited to her strength and attainments and which may be needed for the benefit of the reformatory or for the welfare of [such] the inmate.*

Sec. 18. Section 246.31, Code 1981, is amended to read as follows:

246.31 HARD LABOR AND SOLITARY IMPRISONMENT. All commitments to either of said institutions [must be] *are* at hard labor. Solitary imprisonment of prisoners shall not be employed except for the purpose of discipline. *An inmate may be required to perform any service including hard labor, suited to his strength and attainment and which may be needed for the benefit of the reformatory or penitentiary or for the welfare of the inmate.*

Sec. 19. Section 336B.2, Code 1981, is amended to read as follows:

336B.2 FINANCIAL STATEMENT. Before an attorney is appointed under the provisions of sections 68.8, 222.22, chapter 232, *section 908.2*, or rule 8, rules of criminal procedure, or to represent any person charged with a crime in this state, the court shall require the client, or his or her parent, guardian, or custodian to complete under oath a detailed financial statement.

Sec. 20. Section 663A.2, Code 1981, is amended by adding the following new subsection following subsection 5 and renumbering the remaining subsection:

NEW SUBSECTION. 6. The person's reduction of sentence pursuant to sections 2 through 8 of this Act has been unlawfully forfeited and the person has exhausted the appeal procedure of section 4, subsection 3 of this Act; or

Sec. 21. Chapter 684, Code 1981, is amended by adding the following new section:

NEW SECTION. RULES OF SENTENCING.

1. The supreme court shall have the power to prescribe advisory rules to the district court which establish:

a. The circumstances under which imprisonment of an offender is proper.

b. Appropriate sanctions for offenders for whom imprisonment is not proper, including but not limited to noninstitutional sanctions as fines, restitution, work release, community service sentencing, community-based correctional programs, probation, deferred judgment, deferred sentence, and suspended sentence.

2. In establishing the rules of sentencing, the court may take into consideration current sentencing and release practices and correctional resources, including but not limited to the capacities of local and state correctional facilities.

Sec. 22. Section 811.2, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

All bailable defendants shall be ordered released from custody pending judgment on their personal recognizance, or upon the execution of an unsecured appearance bond in an amount specified by the magistrate unless *in* the [magistrate determines in the exercise of his or her] *magistrate's* discretion[,] *it is determined* that such a

release will not reasonably assure the appearance of the defendant as required or *the defendant poses a significant threat to the property or safety of another person*. When such determination is made, the magistrate shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial *and the safety of another person or another person's property*, or[,] if no single condition gives that assurance, any combination of the following conditions:

Sec. 23. Section 811.2, subsection 2, Code 1981, is amended to read as follows:

2. DETERMINATION OF CONDITIONS. In determining which conditions of release will reasonably assure *the defendant's appearance and the safety of another person or another person's property*, the magistrate shall, on the basis of available information *including the pretrial report*, take into account the nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of [his or her] *the defendant's residence in the community, the defendant's record of convictions, and the defendant's record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings*.

Sec. 24. Chapter 901, Code 1981, is amended by adding the following new section:

NEW SECTION. INFORMATION FOR PAROLE BOARD. At the time of committing a defendant to the custody of the director of the division of adult corrections for incarceration, the trial judge and prosecuting attorney shall, and the defense attorney may, furnish the board of parole with a full statement of their recommendations relating to release or parole.

Sec. 25. Chapter 901, Code 1981, is amended by adding the following new section:

NEW SECTION. MANDATORY SUPERVISED RELEASE.

1. An offender who is released on parole or who is released prior to the expiration of sentence as defined by subsection 4, because of the accrual of good conduct time, shall be subject to supervision by the department of social services for a term to be determined by the board of parole subject to subsection 2.

2. However, the period of incarceration together with the period of supervised release pursuant to subsection 1, shall not exceed the limits for the respective offense fixed by section 902.9 or section 903.1.

3. If an offender violates the conditions of supervised release and the supervised release is revoked pursuant to chapter 908, the offender shall be returned to the custody of the director to serve the remaining unexpired portion of the offender's sentence or until released by the board of parole.

4. "Sentence" means the maximum period of incarceration to which the offender has been sentenced pursuant to section 901.8, 902.9, 903.1, subsection 1, or the applicable sentencing law, for the offense for which the offender has been convicted.

Sec. 26. Section 901.2, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The purpose of the report by the judicial district department of correctional services is to provide the court pertinent information for purposes of sentencing and to include suggestions for correctional planning for use by correctional authorities subsequent to sentencing.

Sec. 27. Section 901.4, Code 1981, is amended to read as follows:

901.4 [PRESENTENCE] *PRE-SENTENCE INVESTIGATION REPORT CONFIDENTIAL.* *The pre-sentence investigation report is confidential and the court shall provide safeguards to insure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. [The] At least three days prior to the date set for sentencing, the court [may, in its discretion], shall make all of the [presentence] pre-sentence investigation report [or parts of it] available [to the defendant, or the court may make the report or parts of it available while concealing] for inspection to the defendant's attorney, and to the attorney for the state. However, the court may conceal from the defendant, from the defendant's attorney, or from both, the identity of the person who provided confidential information. The report of any medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. Such reports shall be part of the record but shall be sealed and opened only on order of the court. [In any case where] If the defendant is committed to the custody of the division of adult corrections and is not a class "A" felon, a copy of [the presentence] any presentence investigation report shall be [sent] forwarded to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both contained in the report. The denial or refutation shall be included in the report.*

Sec. 28. Section 901.6, Code 1981, is amended to read as follows:

901.6 JUDGMENT ENTERED. If judgment is not deferred, and no sufficient cause is shown why judgment should not be pronounced and none appears to the court upon the record, judgment shall be pronounced and entered. In every case in which judgment is entered, the court shall include in the judgment entry the number of the particular section of the Code and the name of the offense under which the defendant is sentenced and a statement of the days credited pursuant to section 246.38 shall be incorporated into the sentence.

Sec. 29. Section 902.4, Code 1981, is amended to read as follows:

902.4 RECONSIDERATION OF FELON'S SENTENCE. For a period [of ninety] not less than thirty days nor more than one hundred eighty days from the date when a person convicted of a felony, other than a class "A" felony or a felony for which a minimum sentence of confinement is imposed, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the commissioner of social services or the director of the division of adult corrections, may

order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The court's final order in [any such] *the proceeding shall be delivered to the defendant personally or by certified mail and a certified copy shall be sent by the clerk of court to the institution from which the defendant is on temporary release.* [Such] *The court's decision to take action or not to take action* is discretionary [with the court,] and [its decision to take such action or not to take such action is] not subject to appeal. [The provisions of this] *This section notwithstanding, for the purposes of appeal[,] a judgment of conviction of a felony is a final judgment when pronounced.*

Sec. 30. Section 902.7, Code 1981, is amended to read as follows:

902.7 MINIMUM SENTENCE--USE OF A [FIREARM] DANGEROUS WEAPON. At the trial of a person charged with participating in a forcible felony, if the trier of fact finds beyond a reasonable doubt that the person is guilty of a forcible felony and that the person represented that he or she was in the immediate possession and control of a [firearm] *dangerous weapon*, displayed a [firearm] *dangerous weapon* in a threatening manner, or was armed with a [firearm] *dangerous weapon* while participating in the forcible felony the convicted person shall serve a minimum of five years of the sentence imposed by law. A person sentenced pursuant to this section shall not be eligible for parole until he or she has served the minimum sentence of confinement imposed by this section.

Sec. 31. Section 903.2, Code 1981, is amended to read as follows:

903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE. For a period of thirty days from the date when a person convicted of a misdemeanor begins to serve a sentence of confinement, the court may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. The court's final order in [any such] *the proceeding shall be delivered to the defendant personally or by certified mail and a certified copy shall be sent by the clerk of court to the institution from which the defendant is on temporary release.* [Such] *The court's decision to take action or not to take action* is discretionary [with the court] and [its decision to take such action or not to take such action] is not subject to appeal. [The provisions of this] *This section notwithstanding, for the purposes of appeal a judgment of conviction is a final judgment when pronounced.*

Sec. 32. Section 903.3, Code 1981, is amended to read as follows:

903.3 WORK RELEASE. The court may direct that a prisoner sentenced to confinement [for ninety days or less, or a prisoner who has served all but ninety days or less of his or her sentence,] *in a county jail, alternate jail facility, or a community correctional residential treatment facility,* be released from custody during specified hours, as provided by sections 356.26 to 356.35.

Sec. 33. Chapter 906, Code 1981, is amended by adding the following new section:

NEW SECTION. DEFINITIONS. As used in this chapter:

1. "Mandatory minimum term of incarceration" means the shortest possible time

of incarceration which an offender shall serve prior to eligibility for release on parole.

2. "Supervised release" means the release of an offender after the expiration of the term of incarceration but prior to the expiration of the offender's sentence as defined by section 25, subsection 4 of this Act.

Sec. 34. Section 906.1, Code 1981, is amended to read as follows:

906.1 DEFINITION OF PAROLE. Parole is the release by the board of parole, prior to the expiration of the sentence as defined by section 25, subsection 4 of this Act, of a person who has been committed to the custody of the [commissioner] director of [social services] the division of adult corrections, by reason of the person's commission of a public offense [prior to the expiration of the person's term], subject to supervision by the department of social services and [on] to conditions imposed by [the department] the board of parole pursuant to section 906.3.

Sec. 35. Section 906.3, Code 1981, is amended to read as follows:

906.3 AUTHORITY OF PAROLE BOARD. The board of parole shall promulgate [regulations] rules regarding a system of paroles and supervised release, from correctional institutions, and shall direct, control, and supervise the administration of such system of paroles and supervised release. The board shall determine which of those persons who have been committed to the custody of the director of the division of adult corrections, by reason of their conviction of a public offense, shall be released on parole. The grant or denial of parole shall not be deemed a contested case as defined in section 17A.2.

The board of parole shall promulgate rules pursuant to chapter 17A of the Code, as to the timing and frequency of parole interviews and paroles, as to the shortest possible time of incarceration which an offender shall serve prior to eligibility for release on parole or by the accrual of good conduct time, and rules as to the length and conditions of paroles and supervised releases. These rules shall take into consideration the offender's past conviction record including the number of prior forcible felonies, nonforcible felonies, and aggravated misdemeanors, the length of time since conviction for the prior offenses, use of a dangerous weapon as defined by section 702.7 in the commission of the offense and other relevant factors.

Sec. 36. Section 906.5, Code 1981, is amended to read as follows:

906.5 RECORD REVIEWED--ELIGIBILITY [OF PRIOR FORCIBLE FELON FOR PAROLE]--RULES.

1. Within one year after the commitment of any person [other than a class "A" felon] to the custody of the director of the division of adult corrections, a [member] designee of the board shall interview the person. [Thereafter, at regular intervals, not to exceed one year, the] The board shall interview the person and shall consider [his or her] the person's prospects for parole if the person has served at least one-third of the person's sentence unless the person is serving a mandatory minimum term of

incarceration. At [such time] the interview, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which may be available, the previous social history and criminal record of such person, the person's conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. This subsection shall apply to inmates in the custody of the director of the division of adult corrections on or after the effective date of this section.

2. If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the defendant has served at least one-half of the maximum term of his or her sentence.

3. *Notwithstanding subsection 1, forfeiture of good conduct time may increase the time served before an inmate is eligible for an interview or parole by the board.*

4. Every person while on parole or on supervised release shall be under the supervision of the department of social services, which shall prescribe [regulations] rules for governing [persons on parole] those persons. The board may adopt other rules not inconsistent with [the above] the Code as it may deem proper or necessary for the performance of its functions. *As provided in section 3 of this Act, good conduct time shall not accrue to an inmate who is on parole or supervised release.*

Sec. 37. Section 906.11, Code 1981, is amended to read as follows:

906.11 ASSIGNMENT TO PAROLE OFFICER. A person released on parole or placed on supervised release pursuant to section 25 of this Act, shall be assigned to a parole officer by the chief parole officer. Both the person and his or her parole officer shall be furnished in writing with the conditions of [his or her] parole or supervised release and the [regulations] rules which the person will be required to observe, in writing]. The parole officer shall explain these conditions and [regulations] rules to the person, and supervise, assist, and counsel the person during the term of his or her parole or supervised release.

Sec. 38. Section 906.12, Code 1981, is amended to read as follows:

906.12 PAROLE OR SUPERVISED RELEASE OUTSIDE STATE AUTHORIZED. The parole or supervised release may be to a place outside the state when the board of parole shall determine it to be to the best interest of the state and the prisoner, under such rules as the board of parole may impose.

Sec. 39. Section 906.13, Code 1981, is amended to read as follows:

906.13 RECIPROCAL AGREEMENTS WITH OTHER STATES. The governor of the state of Iowa is [hereby] authorized and empowered to enter into compacts and agreements with other states, through their duly constituted authorities, in reference to reciprocal supervision of persons on parole, supervised release, or probation and for the reciprocal return of such persons to the contracting states for violation of the terms of their parole, supervised release, or probation.

Sec. 40. Section 906.15, Code 1981, is amended to read as follows:

906.15 DISCHARGE FROM PAROLE OR SUPERVISED RELEASE. Unless sooner discharged, a person released on parole or supervised release shall be discharged when his or her *respective* term of parole or supervised release equals the period of imprisonment specified in the person's sentence, less all time served in confinement. Discharge from parole may be granted prior to such time, when an early discharge is appropriate. The board shall periodically review all paroles, and when it shall determine that any person on parole is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, it shall discharge the person from parole. In either event, discharge from parole shall terminate the person's sentence. *However, the provisions of this section concerning discharge and early discharge are subject to the term of mandatory supervised release as provided in section 25 of this Act.*

Sec. 41. Section 906.16, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The time when a prisoner is on parole or supervised release from the institution shall be held to apply upon the sentence against the [parolee] prisoner even if the parole or supervised release is subsequently revoked, except that the time when the [parolee] prisoner is in violation of the terms of the parole agreement or conditions of supervised release, shall not apply upon the sentence.

Sec. 42. Section 906.17, Code 1981, is amended to read as follows:

906.17 ALLEGED PAROLE OR SUPERVISED RELEASE VIOLATORS—REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT. The division of adult corrections shall reimburse a county for the temporary confinement of alleged parole violators and offenders who are alleged to be in violation of supervised release. The amount to be reimbursed shall be determined by multiplying the number of days so confined by the average daily cost of confining a person in the county facility as negotiated by the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director of the division of adult corrections. The money shall be deposited in the county general fund to be credited to the jail account.

Sec. 43. Section 907.3, unnumbered paragraph 1, Code 1981, 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. *Also, this section shall not apply if the defendant assaulted a peace officer or fire fighter while the officer or fire fighter was engaged in the performance of official duties, except that in misdemeanor cases persons employed shall be eligible for work release.*

Sec. 44. Section 907.3, subsection 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 206, section 17, is amended by striking paragraph e.

Sec. 45. Section 907.3, subsection 2, Code 1981, is amended to read as follows:

2. By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon [such] terms and conditions [as] it [may require] *requires* including commitment to a county jail or county jail work release program or commitment to an alternate jail facility as specified in chapter 356A or a community correctional residential treatment facility [for a specific number of days to be followed by a term of probation] as specified in section 907.7. A person so committed who has probation revoked shall be given credit for such time served.

Sec. 46. Section 907.6, Code 1981, is amended to read as follows:

907.6 CONDITIONS OF PROBATION-REGULATIONS. [The court, in ordering probation, may impose any reasonable rules and conditions which will] *Probationers are subject to the conditions established by the judicial district department of correctional services subject to the approval of the court, and any additional reasonable conditions which the court may impose to promote rehabilitation of the defendant [and] or protection of the community[, including adherence to regulations generally applicable to persons released on parole].*

Sec. 47. Chapter 908, Code 1981, is amended by adding the following new section:

NEW SECTION. SUPERVISED RELEASE. As used in this chapter "supervised release" means supervised release as defined by section 33, subsection 2 of this Act.

Sec. 48. Section 908.1, Code 1981, is amended to read as follows:

908.1 ARREST OF ALLEGED PAROLE VIOLATOR. A parole officer having probable cause to believe that any person released on parole or supervised release has violated the conditions of his or her parole or supervised release, may arrest such person, or the parole officer may make a complaint before a magistrate, charging such violation[, and if]. *If it appears from such complaint, or from affidavits filed with it, that there is probable cause to believe that such person has violated the terms of his or her parole or supervised release, the magistrate shall issue a warrant for the arrest of such person.*

Sec. 49. Section 908.2, Code 1981, is amended to read as follows:

908.2 INITIAL APPEARANCE. An officer making an arrest of an alleged parole violator or alleged violator of supervised release, shall take the arrested person before a magistrate without unnecessary delay for an initial appearance. At that time the alleged parole violator or alleged violator of supervised release, shall be furnished with a written notice of the claimed violation, shall be advised of his or her right to appointed counsel under rule 26 of the rules of criminal procedure, and shall be asked if he or she desires legal counsel. *If the alleged violator desires legal counsel but is unable by reason of indigency to employ any, the magistrate shall appoint defense counsel pursuant to chapter 336B. The alleged violator shall also be given notice that a*

hearing will take place and that its purpose is to determine whether there is probable cause to believe that he or she has committed a parole violation *or violation of supervised release*.

The magistrate may order the alleged parole violator *or alleged violator of supervised release* confined in the county jail or may order the alleged [parole] violator released on bail under such terms and conditions as the magistrate may require. Admittance to bail is discretionary with the magistrate and is not a matter of right.

Sec. 50. Section 908.3, Code 1981, is amended to read as follows:

908.3 PLACE OF PROBABLE CAUSE HEARING. The probable cause hearing shall be held in the same county [as] *in which* the alleged parole violator [had his or her initial appearance] *or alleged violator of supervised release was being supervised or in the county in which the alleged parole violation of violation of supervised release occurred.*

Sec. 51. Section 908.4, Code 1981, is amended to read as follows:

908.4 PROBABLE CAUSE HEARING. At the probable cause hearing, a liaison officer appointed pursuant to section 904.5 and who is an attorney shall determine whether there is probable cause to believe that the alleged parole violator has violated parole *or that the alleged violator of supervised release has violated supervised release.* The alleged [parole] violator shall be informed of the inculpatory evidence. The alleged [parole] violator shall be given an opportunity to be heard in person and to present witnesses and other evidence. The alleged [parole] violator shall have the right to confront and cross-examine adverse witnesses, except where the liaison officer finds that a witness would be subjected to risk or harm if the witness' identity were disclosed.

Sec. 52. Section 908.5, Code 1981, is amended to read as follows:

908.5 WAIVER OF PROBABLE CAUSE HEARING. The alleged parole violator *or alleged violator of supervised release* may waive the probable cause hearing, in which event the liaison officer shall proceed as upon a finding of probable cause. Before accepting a waiver of hearing, the liaison officer shall inform the alleged violator of the charge, of the alleged violator's right to a hearing to determine whether there is probable cause to believe that parole *or supervised release* has been violated, and that if the hearing is waived, the alleged violator will be committed to the custody of the department of social services without further proceedings, to await the determination of the parole board. The liaison officer shall make a verbatim record of the proceedings in which the hearing is waived.

Sec. 53. Section 908.6, Code 1981, is amended to read as follows:

908.6 DISPOSITION BY LIAISON OFFICER. If it appears from the evidence that there is no probable cause to believe that the arrested person has violated the conditions of parole *or supervised release*, the liaison officer shall order the arrested

person to be released from custody and continued on parole *or supervised release*. If it appears that there is probable cause to believe that the arrested person has violated the conditions of parole *or supervised release*, the liaison officer shall commit the arrested person to the custody of the [department of social services] *director of the division of adult corrections*, and the procedure prescribed in section 901.7 shall apply to such commitment; or the liaison officer may recommend that the arrested person be admitted to bail as provided in section 908.2. The liaison officer shall make a summary of the testimony and other evidence considered and a statement of the facts relied on as a basis for the finding of probable cause or no probable cause, and shall without delay forward them together with all documents relating to the matter to the executive secretary of the parole board. If the alleged [parole] violator has waived the probable cause hearing, the verbatim record of that proceeding shall be forwarded in lieu of the summary of evidence and statement of facts.

Sec. 54. Section 908.7, Code 1981, is amended to read as follows:

908.7 ACTION BY PAROLE BOARD. Upon a finding of probable cause to believe that a parole violation *or violation of supervised release* has occurred, the board of parole shall proceed without unreasonable delay to hear the charge of [parole] *the* violation. Upon receipt of the record prepared and forwarded by the liaison officer, the board shall fix a time and place for such hearing and shall notify in writing the alleged violator, the alleged violator's attorney of record, if any, and the department of social services of such hearing and the claimed violation [of parole]. The alleged violator shall be given an opportunity to be heard by the board under such rules as the board shall adopt. The inquiry shall be limited to the following two matters: 1. Did the alleged parole violation *or violation of supervised release* actually occur? 2. If the violation did occur, should the violator's parole *or supervised release* be revoked? If the board determines that the parole *or supervised release* should be revoked, it shall make an order revoking the parole *or supervised release*. The board shall furnish the violator with a written statement of the facts relied upon to establish a violation and the reasons for revoking parole *or supervised release*.

Sec. 55. Section 908.8, Code 1981, is amended to read as follows:

908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE. The board of parole may receive from a parole officer a charge or complaint of parole violation *or violation of supervised release* against any parolee *or person on supervised release*, and may proceed to a hearing on such charge in any case where the alleged violator has not been arrested or has been arrested and discharged by the liaison officer on a finding of no probable cause. The presence of the alleged violator at such hearing shall be secured by summons. A statement of the charge against the alleged violator shall accompany the summons, and the parole officer shall give the alleged violator such assistance as is needed to get to the place of the hearing. Travel expenses, if any, shall be paid by the [board] *department of social services*. If the alleged violator fails without good cause to appear as commanded by the summons, such failures shall be considered a violation of the parole *or supervised release*, and the board may proceed to revoke parole *or supervised release*. If the parole *or supervised release* is revoked, the board shall issue a warrant for the person's arrest and return to the custody of the department of social services. Upon his or her return to custody,

the board shall, upon request, give the person an opportunity to present any matters in defense or mitigation of the conduct.

Sec. 56. Section 908.9, Code 1981, is amended to read as follows:

908.9 DISPOSITION OF VIOLATOR. If the parole of any parole violator is revoked, the violator shall remain in the custody of the [department of social services] *director of the division of adult corrections* under the terms of the parolee's original commitment. *If the supervised release of a violator of supervised release is revoked, the offender shall serve the remaining unexpired portion of his or her sentence or until released by the board.* If the parole of any parole violator *or the supervised release of any violator of supervised release* is not revoked, the board shall order his or her release subject to the terms of his or her parole *or supervised release* with any modifications that the board shall determine proper.

Sec. 57. Section 908.10, Code 1981, is amended to read as follows:

908.10 CONVICTION OF OTHER OFFENSE AS VIOLATION. When the alleged violation *of parole or supervised release* consists of a conviction of a public offense in this or any other state, such conviction shall be proved by a certified copy of the judgment of conviction, together with evidence that the alleged violator is the person against whom the judgment was rendered. Neither the liaison officer, court, nor board of parole shall retry the facts underlying such conviction.

Sec. 58. Rule of criminal procedure 6, subsection 6, Code 1981, is amended to read as follows:

6. ALLEGATIONS OF USE OF A [FIREARM] *DANGEROUS WEAPON*. If the offense charged is one for which the defendant, if convicted, will be subject by reason of the Code to [a minimum sentence] *an increased penalty* because of use of a [firearm] *dangerous weapon as defined by section 702.7*, the allegation of such use, if any, shall be contained in the indictment. If use of a [firearm] *dangerous weapon* is alleged as provided by this rule, and if the allegation is supported by the evidence, the court shall submit to the jury a special interrogatory concerning this matter, as provided in [R.Cr.P. 21(2)] *rule of criminal procedure 21, subsection 2*.

Sec. 59. Rules of criminal procedure 21, subsection 2, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Where a defendant is alleged to [be subject to the minimum sentence provisions of section 902.7, The Code (use of firearms)] *have used a dangerous weapon as defined in section 702.7 in the commission of the offense*, and the allegation is supported by the evidence, the court shall submit a special interrogatory concerning that matter to the jury.

Sec. 60. Rule of criminal procedure 22, subsection 3, paragraph d, Code 1981, is amended to read as follows:

d. JUDGMENT ENTERED. If no sufficient cause is *not* shown why judgment

should not be pronounced, and none appears to the court upon the record, judgment shall be rendered. Prior to such rendition, counsel for the defendant, and the defendant personally, shall be allowed to address the court where either wishes to make a statement in mitigation of punishment. In every case the court shall include in the judgment entry the number of the particular section of the Code under which the defendant is sentenced, *a finding whether the defendant used a dangerous weapon as defined in section 702.7, in the commission of the offense or offenses for which the offender is being sentenced or a finding, in an assault case, whether the defendant assaulted a peace officer or a fire fighter while the officer or fire fighter was engaged in the performance of official duties.* The court shall state on the record its reason for selecting the particular sentence.

Sec. 61. Rule of criminal procedure 26, subsection 1, Code 1981, is amended to read as follows:

1. REPRESENTATION. Every defendant who is an indigent as defined in section 336A.4, [The Code,] shall be entitled to have counsel appointed to represent him or her at every stage of the proceedings from the defendant's initial appearance before the magistrate or the court through appeal, including probation [and,] parole *and supervised release* revocation hearings, unless the defendant waives such appointment.

Sec. 62. Section 1 of chapter 198, Acts of the Sixty-ninth General Assembly, 1981 Session, is repealed.

Sec. 63. Sections 217.22, 245.20, and 246.11, Code 1981, are repealed.

Sec. 64. Sections 246.38, 246.39, 246.41, 246.42, 246.43, and 246.45, Code 1981, are repealed except they shall remain in effect for those persons sentenced for offenses committed prior to July 1, 1982.

Sec. 65. Sections 1, 7, 9 through 13, 14, 16, 19, 21 through 24, 26 through 29, 31, 32, 45, 46, 48, 49, and 62 through 65 of this Act take effect July 1, 1982.

Sections 2 through 6, 8, 15, 17, 18, 20, 25, 30, 33, 34, 35, 37 through 44, 47, and 50 through 61 of this Act take effect July 1, 1982 and apply to inmates sentenced for offenses committed after July 1, 1982. Sections 9 through 13 of this Act are repealed June 30, 1986.

Section 906.5, subsection 1 as amended by section 36 of this Act takes effect July 1, 1982. Section 906.5, subsections 2 and 3, as amended by section 36 of this Act, takes effect July 1, 1982 and applies to inmates sentenced for offenses committed after July 1, 1982.

Section 35 of this Act takes effect January 1, 1983."

2. Title page, by striking lines 1 through 3, and inserting in lieu thereof the following: "An Act relating to criminal offenses, providing for pre-trial and post-trial criminal procedures, sentences, definition of crimes, policies and practices, and

providing penalties.”

ON THE PART OF THE SENATE:

DICK RAMSEY, Chair
A.R. BUD KUDART
GARY L. BAUGHER

ON THE PART OF THE HOUSE:

ROGER HALVERSON, Chair
DOUGLAS R. SMALLEY
STEPHEN J. RAPP
WALTER CONLON
THOMAS SWARTZ

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2178

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2178, a bill for an Act relating to the administration and benefits of public retirement systems, respectfully make the following report:

1. That the House of Representatives recedes from its amendment, S—5630.
2. That Senate File 2178, as amended, passed, and reprinted by the Senate, be amended as follows:
 1. By striking everything after the enacting clause and inserting in lieu thereof the following:

Section 1. Section 97A.1, subsections 9 and 10, Code 1981, are amended to read as follows:

9. “Child” [or “children” shall mean] *means* only the surviving issue of a deceased active or retired member, or [the] a child [or children] legally adopted by a deceased member prior to [his] *the member’s* retirement. “Child” *includes only an individual who is under the age of eighteen years, an individual who is under the age of twenty-two and is a fulltime student, or an individual who is disabled under the definitions used in section 402 of the Social Security Act as amended if the disability occurred to the individual during the time the individual was under the age of eighteen years and the parent of the individual was an active member of the system.*

10. “Earnable compensation” or “compensation earnable” shall mean the regular compensation which a member would earn during one year on the basis of the stated compensation for the member’s rank or position including compensation for longevity *and the daily amount received for meals under section 80.8* and excluding any amount received for overtime compensation or other special additional compensation, [meal and] *other payments for meal expenses, uniform cleaning allowances, travel expenses, and uniform allowances* and excluding any amount received upon termination or retirement in payment for accumulated sick leave or vacation.

Sec. 2. Section 97A.1, subsection 12, Code 1981, is amended to read as follows:

12. "Average final compensation" shall mean the average earnable compensation of the member during the member's highest [five] *three* years of service as a member of the state department of public safety, or if the member has had less than [five] *three* years of [such] service, then the average earnable compensation of the member's entire period of service.

Sec. 3. Section 97A.6, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. Any member in service who has been a member of the retirement system fifteen or more years and whose employment is terminated prior to the member's retirement, other than by death or disability, shall upon attaining retirement age, receive a service retirement allowance of fifteen twenty-seconds of the retirement allowance the member would receive at retirement if the member's employment had not been terminated, and an additional one twenty-second of such retirement allowance for each additional year of service not exceeding twenty-two years of service. The amount of the retirement allowance shall be [based on] *calculated in the manner provided in this paragraph using* the average final compensation at the time of termination of employment.

Sec. 4. Section 97A.6, subsection 7, paragraph a, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Should any beneficiary for either ordinary or accidental disability, except a beneficiary who is fifty-five years of age or over and would have completed twenty-two years of service if [he or she] *the beneficiary* had remained in active service, be engaged in a gainful occupation paying more than the difference between the member's retirement allowance and *one and one-half times* the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement, then the amount of the retirement allowance shall be reduced to an amount which together with the amount earned by the member shall equal *one and one-half times* the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. Should the member's earning capacity be later changed, the amount of the retirement allowance may be further modified, provided, that the new retirement allowance shall not exceed the amount of the retirement allowance originally granted adjusted by annual readjustments of pensions pursuant to subsection 15 of this section nor an amount which, when added to the amount earned by the beneficiary, equals *one and one-half times* the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which the member was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have his or her retirement allowance suspended while in active service. If the rank or position held by the retired member is subsequently abolished, adjustments to the allowable limit on the amount of income which can be earned in a gainful occupation

shall be computed in the same manner as provided in subsection 15, paragraph "d," of this section for readjustment of pensions when a rank or position has been abolished.

Sec. 5. Section 97A.6, subsection 7, paragraph b, Code 1981, is amended to read as follows:

b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than [his] *the disability beneficiary's* average final compensation, [his] *the disability beneficiary's* retirement allowance shall cease, [he] *the disability beneficiary* shall again become a member and [he] shall contribute thereafter at the same rate [he] paid prior to disability, and [any] former service on the basis of which [his] *the disability beneficiary's* service was computed at the time of [his] retirement shall be restored to full force and effect and upon [his] subsequent retirement [he] *the disability beneficiary* shall be credited with all [his] service as a member, and also with the period of disability retirement[, provided that during such period of disability he has not engaged in a gainful occupation from which his net earnings exceeded the difference between his disability retirement allowance and the amount he would have received for said period if his compensation at the time of disability had continued].

Sec. 6. Section 97A.6, subsection 8, paragraphs b, d, e, and f, Code 1981, are amended to read as follows:

b. If there [be] *is* no [such] nomination of beneficiary, the benefits provided in paragraph "a" of this subsection [8] shall be paid to the member's estate; or in lieu thereof, at the option of the following beneficiaries, respectively, even though nominated as [such] *beneficiaries*, for a member in service [there shall be paid] *at the time of death* a pension [which] shall be paid equal to one-fourth of the average final compensation of [such] *the* member, but in no instance less than fifty dollars per month or for a member not in service *at the time of death* the pension shall be reduced as provided in subsection 1, paragraph "c", of this section and shall be paid commencing when the member would have attained the age of fifty-five except if there is a child of the member [under the age of eighteen, or under the age of twenty-two who is a full-time student, or who is disabled, under the definitions used in section 402 of the Social Security Act as amended to July 1, 1978 (42 U.S.C. 402)], the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable, and shall resume commencing when the member would have attained the age of fifty-five;

d. If there [be] *is* no surviving spouse, or if the spouse dies or remarries [before any child of such deceased member shall have attained the age of eighteen years] *and there is a child of a member*, then to the guardian of the member's child or children [under said age], divided [in such manner] as the board of trustees [in its discretion shall determine] *determines*, to continue as a joint and survivor pension until every [such] child *of the member* dies or attains the age of eighteen or *twenty-two if applicable*; or

e. If there [be] *is* no surviving spouse or child [under age eighteen], then to the

member's dependent father or mother *or both*, as the board of trustees [in its discretion shall determine] *determines*, to continue until remarriage or death.

f. In addition to the benefits [herein] enumerated *in this subsection*, there shall also be paid for each child of a member [under the age of eighteen years] a monthly pension equal to six percent of the monthly earnable compensation payable to an active member having the rank of senior patrolman of the Iowa highway safety patrol.

For the purpose of this chapter, a senior patrolman is a man or woman who has completed ten years of service in the Iowa highway safety patrol.

Sec. 7. Section 97A.6, subsection 9, paragraphs b and c, Code 1981, are amended to read as follows:

b. If there [be] *is* no surviving spouse, [children under the age of eighteen years] *child*, or dependent parent surviving [such] *a* deceased member, the death shall be treated as an ordinary death case and the benefit payable [in accordance with the provisions of] *under* subsection 8, paragraph "a" of this section, in lieu of the pension provided in paragraph "a" of this subsection [9], shall be paid to the member's estate.

c. In addition to the benefits for the surviving spouse [herein] enumerated *in this subsection*, there shall also be paid for each [dependent] child of a member [under the age of eighteen years] a monthly pension equal to six percent of the monthly earnable compensation payable to an active member having the rank of senior patrolman of the Iowa highway safety patrol.

Sec. 8. Section 97A.6, subsection 12, paragraph b, Code 1981, is amended to read as follows:

b. [In the event of the death of] *If* the spouse *dies* either prior or subsequent to the death of the member, to the guardian of each surviving child [under eighteen years of age], a monthly pension equal to the monthly pension payable under subsection 9, paragraph "c," of this section for the support of [such] *the* child.

Sec. 9. Section 97A.8, subsection 1, paragraph f, Code 1981, is amended to read as follows:

f. An amount equal to [two] *three* and [twenty-one hundredths] *one-tenth* percent of each member's compensation from the earnable compensation of the member shall be paid to the pension accumulation fund.

Sec. 10. Section 97B.7, subsection 2, paragraph b, subparagraphs (3), (4), and (5), Code 1981, are amended by striking the subparagraphs, inserting in lieu thereof the following subparagraphs, and renumbering the remaining subparagraphs:

(3) That the common stock or shares issued by solvent corporations or institutions are eligible for investment if the stock or shares are listed or admitted to trading on a securities exchange located in the United States or are publicly held and have been

traded in the "over-the-counter" market and market quotations are readily available.

(4) That, where prudent, investments made under this paragraph shall be made in a manner that will enhance the economy of this state, and in particular, will result in increased employment of the residents of this state.

Sec. 11. Section 97B.8, Code 1981, is amended to read as follows:

97B.8 ADVISORY INVESTMENT BOARD. A board [shall be] *is* established to be known as the "Advisory Investment Board of the Iowa Public Employees' Retirement System", hereinafter called the "board", whose duties [shall be] *are* to advise and confer with the department in matters relating to the investment of the trust funds of the Iowa public employees' retirement system. The powers of the board [shall be purely] *are* advisory and the department [shall] *is not [be]* bound in the making of [any] *an* investment by the recommendations of the board.

PARAGRAPH DIVIDED. The board shall consist of seven members. Five of the members shall be appointed by the governor, one of whom shall be an executive of a domestic life insurance company, one an executive of a state or national bank operating within the state of Iowa, one an executive of a major industrial corporation located within the state of Iowa, and two shall be active members of the system, one of whom shall be an employee of a school district, [county school system, joint county system] *area education agency, or merged area* and one of whom shall not be an employee of a school district, [county school system, joint county system] *area education agency, or merged area*. The president of the senate shall appoint one member from the membership of the senate and the speaker of the house of representatives shall appoint one member from the membership of the house. The two members appointed by the president of the senate and the speaker of the house of representatives and the two active members of the system appointed by the governor [shall be] *are* ex officio members of the board.

PARAGRAPH DIVIDED. The members who are executives of a domestic life insurance company, a state or national bank and a major industrial corporation shall be paid their actual expenses incurred in performance of their duties and shall receive in addition the sum of forty dollars for each day of service not exceeding forty days per year. Legislative members shall receive the sum of forty dollars for each day of service and their actual expenses incurred in the performance of their duties. The per diem and expenses of the legislative members shall be paid from funds appropriated under section 2.12. The members who are active members of the system shall be paid their actual expenses incurred in the performance of their duties as members of the board and performance of their duties as members of the board shall not affect their salaries, vacation or leaves of absence for sickness or injury. The appointive terms of the members appointed by the governor [shall be] *are* for a period of six years beginning and ending as provided in section 69.19. [In the event of] *If there is a vacancy*, through resignation or any other cause, in the membership of the board, the governor [shall have] *has* the power of appointment. Appointees to this board [shall be] *are* subject to confirmation by the senate.

Sec. 12. Section 97B.11, Code 1981, is amended to read as follows:

97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE. Each employer shall deduct from the wages of each member of the system a contribution in the amount of three and [six-tenths] *seven-tenths* percent of the covered wages paid by the employer through [June 30, 1979] *December 31, 1984*, and commencing [July 1, 1979] *January 1, 1985*, in the amount of three and [seven-tenths] *eight-tenths* percent of the covered wages paid by the employer, until the first of the month in which the member attains the age of seventy years or the member's termination or retirement from employment, whichever is earlier. The contributions of the employer shall be in the amount of [three and one-half percent of the covered wages of the member for service through December 31, 1975, and in the amount of] five and [twenty-five] *seventy-five* hundredths percent of the covered wages of the member for service [commencing July 1, 1977] through [June 30, 1979] *December 31, 1984*, and in the amount of [five and seventy-five] *six and twenty-five* hundredths percent of the covered wages of the member for service commencing [July 1, 1979] *January 1, 1985*.

Sec. 13. Section 97B.41, subsection 1, paragraph a, unnumbered paragraph 1, Code 1981, is amended to read as follows:

"Wages" means all remuneration for employment, including the cash value of remuneration paid in [any] a medium other than cash, but not including the cash value of remuneration paid in [any] a medium other than cash necessitated by the convenience of the employer[, such. *The amount [as] agreed upon by the employer and employee [and] for remuneration paid in a medium other than cash shall be reported to the department by the employer [shall be] and is conclusive of the value of the remuneration [in a medium other than cash; except that]. However, remuneration which does not equal or exceed the sum of three hundred dollars in [any] a calendar quarter shall be excluded. "Wages" does not include special lump sum payments made as payment for sick leave or accrued vacation or payments made as an incentive for early retirement. Wages for an elected official means the salary received by an elected official, exclusive of expense and travel allowances.*

Sec. 14. Section 97B.41, subsection 1, paragraph b, subparagraph (4), Code 1981, is amended to read as follows:

(4) For each calendar year from January 1, 1976, [and thereafter] *through December 31, 1983*, wages not in excess of twenty thousand dollars.

Sec. 15. Section 97B.41, subsection 1, paragraph b, subparagraph (6), Code 1981, is amended to read as follows:

(6) If a member is employed by more than one employer during a calendar year, the total amount of wages paid to [him] *the member* by [his] *the several employers* shall be included in determining the limitation on covered wages as provided [by] *in this paragraph ["b", subparagraph (3), of this section]*. If the amount of wages paid to a member by [his] *the member's* several employers during a calendar year exceeds the covered wage limit, the amount of such excess shall not be subject to the contributions required by section 97B.11.

Sec. 16. Section 97B.41, subsection 1, paragraph b, Code 1981, is amended by adding the following new subparagraphs after subparagraph (4) and renumbering the remaining subparagraphs:

NEW SUBPARAGRAPH. For each calendar year from January 1, 1984 through December 31, 1985, wages not in excess of twenty-one thousand dollars per year.

NEW SUBPARAGRAPH. For each calendar year from January 1, 1986 and thereafter, wages not in excess of twenty-two thousand dollars.

Sec. 17. Section 97B.41, subsection 20, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

20. "Five-year average covered wage" means a member's covered wages averaged for the highest five years of the member's service. If the member has less than five years of service, then the average shall be computed using the actual number of years as a member. The highest five years of a member's covered wages shall be determined using calendar years. However, if a member's final quarter of a year of employment does not occur at the end of a calendar year, the department may determine the wages for the fifth year by combining the wages from the highest quarter or quarters not being used in the selection of the four highest years with the final quarter or quarters of the member's service to create a full year. If the five-year average covered wage of a member exceeds the highest maximum covered wages in effect for a calendar year during the member's period of service, the five-year average covered wage of the member shall be reduced to the highest maximum covered wages in effect during the member's period of service.

Sec. 18. Section 97B.48, subsection 3, Code 1981, is amended to read as follows:

3. If [at any time] after the first day of the month in which the member attains the age of fifty-five years and until the member's sixty-fifth birthday, a member who is retired under this chapter is in regular full-time employment, the member's retirement allowance shall be suspended for as long as the member remains in employment. However, employment shall not be regarded as full-time employment until the member receives remuneration in an amount in excess of two thousand one hundred dollars for [any] a calendar year. Effective the first of the month in which a member attains the age of sixty-five years, a retired member [shall be entitled to] *may* receive a retirement allowance after return to covered employment regardless of the amount of remuneration received. As of the first of the month in which the member attains the age of seventy years, the member [shall be entitled to] *may* receive a retirement allowance determined under section 97B.49, regardless of the amount of remuneration received. Upon [any] a retirement after re-employment, a retired member [shall be entitled to] *may* have [his or her] *the retired member's* retirement allowance redetermined under this section or section 97B.49 or 97B.50, whichever is applicable, based upon the [employee's and employer's additional contributions, and any] *addition of credit for the years of membership service of the employee after re-employment.*

Sec. 19. Section 97B.49, subsection 5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

5. For each active member retiring [on or after] *between January 1, 1976 and June 30, 1982*, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to forty-seven percent of the five-year average covered wage multiplied by a fraction of years of service. *For each member retiring on or after July 1, 1982, with four or more complete years of service, the percent used in computing the monthly benefit is fifty.* For the purposes of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service and the number of years of prior service divided by thirty years.

Sec. 20. Section 97B.49, subsection 7, Code 1981, is amended to read as follows:

7. Notwithstanding [the] *other* provisions of this chapter, a member who is or has been employed as a conservation peace officer under [the provisions of] section 107.13 and who retires [on or after] *between July 1, 1978 and June 30, 1982* and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wage as a conservation peace officer [multiplied by a fraction of years of service], with benefits payable during the member's lifetime. *For each conservation peace officer eligible for benefits under this subsection who retires on or after July 1, 1982, the percent used in computing the monthly retirement allowance is fifty.* There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an amount sufficient to pay eight and forty-three hundredths percent of the covered wages of each conservation peace officer, in addition to the contribution paid by the employer under section 97B.11, to finance increased benefits to conservation peace officers under this subsection.

Sec. 21. Section 97B.49, subsection 8, Code 1981, is amended to read as follows:

8. a. Notwithstanding [the] *other* provisions of this chapter, a member who is or has been employed as a county sheriff, as defined in section 39.17, or as a deputy sheriff appointed pursuant to [chapter 341] *section 341.1, Code 1981, or section 331.903, Code 1981 Supplement*, and who retires [on or after] *between January 1, 1978 and June 30, 1982*, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a county sheriff or deputy sheriff, may elect to receive, in lieu of the benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wage as a sheriff or deputy sheriff [multiplied by a fraction of years of service], with benefits payable during the member's lifetime. *For each sheriff and deputy sheriff eligible for benefits under this subsection who retires between July 1, 1982 and June 30, 1983, the percent used in computing the monthly retirement allowance is fifty.*

Notwithstanding other provisions of this chapter, a member who is or has been employed as a peace officer, and who retires on or after July 1, 1983 and meets the age requirements and membership service requirements for benefits specified in this

paragraph may elect to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's five-year average covered wage as a peace officer, with benefits payable during the member's lifetime.

For the purpose of this subsection membership service as a peace officer means service under this system as any or all of the following:

- (1) As a county sheriff as defined in section 39.17.*
- (2) As a deputy sheriff appointed pursuant to section 341.1, Code 1981, or section 331.903, Code 1981 Supplement.*
- (3) As a marshal or police officer in a city not covered under chapter 400.*

b. Each county and applicable city and employee eligible for benefits under this section shall annually contribute an amount determined by the Iowa department of job service, as a percentage of covered wages, to be necessary to pay for the additional benefits provided by this section. The annual contribution in excess of the employer and employee contributions required by this chapter shall be paid by the employer and the employee in the same proportion that employer and employee contributions are made under section 97B.11. The additional percentage of covered [wage] wages shall be calculated separately by the department for service under paragraph a, subparagraphs (1) and (2), and for service under paragraph a, subparagraph (3), and each shall be an actuarially determined amount for that type of service which, if contributed throughout the entire period of active service, would be sufficient to provide the pension benefit provided in this section.

Sec. 22. Section 97B.49, subsection 10, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Notwithstanding sections of this chapter relating to eligibility for and determination of retirement benefits, a vested member who is or has been employed as a correctional officer by the department of social services and who retires on or after July 1, 1983 and at the time of retirement is at least sixty years of age and has completed at least thirty years of membership service as a correctional officer, may elect to receive, in lieu of the receipt of benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of [forty-seven] fifty percent of the member's five-year average covered wages as a correctional officer [multiplied by a fraction of years of service], with benefits payable during the member's lifetime.

Sec. 23. Section 97B.49, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. a. Effective beginning July 1, 1982, for each member who retired from the system prior to January 1, 1976, and for each member who retired from the system on or after January 1, 1976 under subsection 1 of this section, the amount of regular monthly retirement allowance attributable to membership service and prior service that was payable to the member for June 1982 is increased as follows:

(1) For the first ten years of service, fifty cents per month for each complete year of service.

(2) For the eleventh through the twentieth years of service, one dollar per month for each complete year of service.

(3) For the twenty-first through the thirtieth years of service, one dollar and fifty cents per month for each complete year of service.

(4) The amount of monthly increase payable to a member under this subsection is also payable to a beneficiary and a contingent annuitant and shall be reduced by an amount based upon the actuarial equivalent of the option selected in section 97B.51 or section 97B.52 compared to the full monthly benefit provided in this section.

b. (1) There is appropriated annually from the general fund of the state to the Iowa department of job service to be deposited in the Iowa public employees' retirement fund, to pay for the benefit increases provided in this subsection, except as otherwise provided in this subsection, the sum of two million two hundred seventeen thousand dollars per year, commencing with the fiscal year beginning July 1, 1982 and through the fiscal year beginning July 1, 2001, for each fiscal year in which the unobligated state general fund balance on June 30 of the preceding fiscal year as certified by the state comptroller by the following September 10 is more than thirty-five million dollars.

(2) If the unobligated state general fund balance on June 30 of any year from 1982 through 2001 as certified by the state comptroller by the following September 10 is less than thirty-five million dollars, the cost of benefit increases provided in this subsection of two million two hundred seventeen thousand dollars per year for the fiscal year following that June 30 shall be absorbed by the Iowa public employees' retirement fund.

(3) If the unobligated state general fund balance on June 30 of any year from 1982 through 2001, minus the amount appropriated in subparagraph (1), is more than thirty-five million dollars as certified by the state comptroller by the following September 10 and the cost of the benefit increases provided in this subsection during that fiscal year, or any previous fiscal year, has been absorbed by the Iowa public employees' retirement fund and has not previously been repaid from the state general fund in the manner provided in this subparagraph, there is appropriated from the general fund of the state to the Iowa department of job service for the fiscal year beginning the following July 1 two million two hundred seventeen thousand dollars to be deposited in the Iowa public employees' retirement fund to pay the cost of the benefit increases provided in this subsection and absorbed by the Iowa public employees' retirement fund for a previous fiscal year or portion of a fiscal year.

(4) Notwithstanding subparagraphs (1) and (3), funds appropriated in subparagraphs (1) and (3) for a fiscal year shall not exceed the amount by which the unobligated state general fund balance on June 30 of a fiscal year as certified by the state comptroller by the following September 10 exceeds thirty-five million dollars.

Sec. 24. Section 97B.53, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The department shall refund employee and employer contributions on the covered wages earned by a retired member that are not used in the recomputation of monthly benefits of that member.

Sec. 25. Section 97B.75, Code 1981, is amended to read as follows:

97B.75 PRIOR SERVICE CREDIT BEFORE JANUARY 1, 1946. An active, vested, or retired member who was employed prior to January 1, 1946 by [the state or a political subdivision, except for a member employed by a school district which had established a pension and annuity retirement system under sections 294.8, 294.9, and 294.10, and was not employed by the state or a political subdivision between January 1, 1946 and July 4, 1953.] *an employer may file written verification of the member's dates of employment with the department of job service and receive credit for years of prior service for the period of employment. However, a member who is eligible for or receiving a retirement allowance based upon employment with an employer prior to January 1, 1946 is not eligible for credit for that period of employment.*

Sec. 26. Section 411.1, subsection 11, Code 1981, is amended to read as follows:

11. "Child" [or "children" shall mean] *means only surviving issue of a deceased active or retired member, or [the] a child [or children] legally adopted by a deceased member prior to [his] the member's retirement. "Child" includes only an individual who is under the age of eighteen years, an individual who is under the age of twenty-two years and is a full-time student, or an individual who is disabled at the time under the definitions used in section 402 of the Social Security Act as amended if the disability occurred to the individual during the time the individual was under the age of eighteen years and the parent of the individual was an active member of the system.*

Sec. 27. Section 411.1, subsection 14, Code 1981, is amended to read as follows:

14. "Average final compensation" [shall mean] *means the average earnable compensation of the member during the [five] three years of service [he] the member earned [his] the member's highest salary as a [policeman] police officer or [fireman] fire fighter, or if [he] the member has had less than [five] three years of [such] service, then the average earnable compensation of [his] the member's entire period of service.*

Sec. 28. Section 411.5, subsection 1, paragraphs a and b, Code 1981, are amended to read as follows:

a. The chief officer of the fire department, the city treasurer, [the city solicitor or attorney,] two [firemen] *fire fighters* elected by secret ballot by the members of [said] *the department* who are entitled to participate in a [firemen's pension fund] *fire retirement system* established by law, and [two] *three* citizens who do not hold [any other] *another* public office, who shall be appointed by the mayor with the approval of the city council, shall [constitute] *serve as* the members of the board of trustees of the fire retirement system.

b. The chief officer of the police department, the city treasurer, [the city solicitor or attorney,] two [policemen] *police officers* elected by secret ballot by the members of [said] the department who are entitled to participate in a [policemen's pension fund] *police retirement system* established by law, and [two] *three* citizens who do not hold [any other] *another* public office, who shall be appointed by the mayor with the approval of the city council, shall [constitute] *serve as* the members of the board of trustees of the police retirement system.

Sec. 29. Section 411.5, subsection 8, Code 1981, is amended to read as follows:

8. LEGAL ADVISER. The city attorney or solicitor of [the said cities] *a city* shall [be] *serve as* the legal adviser of the [boards] *board* of trustees *at the request of the board*.

Sec. 30. Section 411.6, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. Any member in service may retire upon [his] written application to the board of police or fire trustees as the case may be, setting forth at what time, not less than thirty nor more than ninety days subsequent to the execution and filing [therefor, he] *of the application, the member* desires to be retired[, provided, that. *However, the [said] member at the time [so] specified for [his] retirement shall have attained the age of fifty-five and shall have served twenty-two years or more [in said department], and notwithstanding that, during [such] the period of notification, [he] the member* may have separated from the service.

Sec. 31. Section 411.6, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. Any member in service who has been a member of the retirement system fifteen or more years and whose employment is terminated prior to the member's retirement, other than by death or disability, shall upon attaining retirement age, receive a service retirement allowance of *fifteen twenty-seconds* of the retirement allowance the member would receive at retirement if [his or her] *the member's* employment had not been terminated, and an additional one twenty-second of such retirement allowance for each additional year of service not exceeding twenty-two years of service. The amount of the retirement allowance shall be [based on] *calculated in the manner provided in this paragraph using* the average final compensation at the time of termination of employment.

Sec. 32. Section 411.6, subsection 7, paragraph a, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Should any beneficiary for either ordinary or accidental disability, except a beneficiary who is fifty-five years of age or over and would have completed twenty-two years of service if [he or she] *the beneficiary* had remained in active service, be engaged in a gainful occupation paying more than the difference between the member's retirement allowance and *one and one-half times* the earnable

compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement, then the amount of the member's retirement allowance shall be reduced to an amount which together with the amount earned by the member shall equal *one and one-half times* the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. Should the member's earning capacity be later changed, the amount of the member's retirement allowance may be further modified, provided, that the new retirement allowance shall not exceed the amount of the retirement allowance adjusted by annual readjustments of pensions pursuant to subsection 12 of this section nor an amount which, when added to the amount earned by the beneficiary, equals *one and one-half times* the amount of the earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which the member was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have his or her retirement allowance suspended while in active service. If the rank or position held by the retired member is subsequently abolished, adjustments to the allowable limit on the amount of income which can be earned in a gainful occupation shall be computed in the same manner as provided in subsection 12, paragraph "c," of this section for readjustment of pensions when a rank or position has been abolished.

Sec. 33. Section 411.6, subsection 7, paragraph b, Code 1981, is amended to read as follows:

b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than [his] *the disability beneficiary's* average final compensation, [his] *the disability beneficiary's* retirement allowances shall cease, [he] *the disability beneficiary* shall again become a member and [he] shall contribute thereafter at the same rate [he] paid prior to disability, and [any] former service on the basis of which [his] *the disability beneficiary's* service was computed at the time of [his] retirement shall be restored to full force and effect and upon [his] subsequent retirement [he] *the disability beneficiary* shall be credited with all [his] service as a member and also with the period of disability retirement[, provided that during such period of disability he has not engaged in a gainful occupation from which his net earnings exceeded the difference between his disability retirement allowance and the amount he would have received for said period if his compensation at the time of disability had continued].

Sec. 34. Section 411.6, subsection 8, paragraphs b, d, and e, Code 1981, are amended to read as follows:

b. If there [be] *is* no [such] nomination of beneficiary, the benefits provided in paragraph "a" shall be paid to the member's estate; or in lieu thereof, at the option of the following beneficiaries, respectively, even though nominated as [such] *beneficiaries*, for a member in service, [there shall be paid] *at the time of death* a pension [which] shall be *paid* equal to one-fourth of the average final compensation of [such] *the* member, but in no instance less than seventy-five dollars. [In addition to

the benefits herein enumerated, there] *There* shall also be paid for each child of a member [under the age of eighteen years] a monthly pension equal to six percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department, or for a member not in service the pension shall be reduced as provided in subsection 1, paragraph "c," of this section and shall be paid commencing when the member would have attained the age of fifty-five except *that* if there is a child of the member [under the age of eighteen, or under the age of twenty-two who is a full-time student, or who is disabled, under the definitions used in section 402 of the Social Security Act as amended to July 1, 1978 42 U.S.C. 402], the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five;

d. If there [be] *is* no spouse, or if the spouse dies or remarries [before any child of such deceased member shall have attained the age of eighteen years] *and there is a child of a member*, then to the guardian of [his or her] *the member's* child or children [under said age], divided [in such manner] as the board of trustees [in its discretion shall determine] *determines*, to continue as a joint and survivor pension until every [such] child *of the member* dies or attains the age of eighteen *or twenty-two if applicable*; or

e. If there [be] *is* no surviving spouse or child [under age eighteen], then to [his or her] *the member's* dependent father or mother or both, as the board of trustees [in its discretion shall determine] *determines*, to continue until remarriage or death.

Sec. 35. Section 411.6, subsection 9, paragraphs a and b, Code 1981, are amended to read as follows:

a. A pension equal to one-half of the average final compensation of [such] *the* member shall be paid to the member's spouse, children or dependent parents as provided in paragraphs "c", "d" and "e" of subsection 8 of this section. [In addition to the benefits for the spouse herein enumerated, there] *There* shall also be paid for each [dependent] child of a member [under the age of eighteen years] a monthly pension equal to six percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or holding the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department.

b. If there [be] *is* no spouse, [children under the age of eighteen years] *child*, or dependent parent surviving [such] *a* deceased member, the death shall be treated as an ordinary death case and the benefit payable [in accordance with the provisions of] *under* subsection 8, paragraph "a", in lieu of the pension provided in paragraph "a" of this subsection [9], shall be paid to the member's estate.

Sec. 36. Section 411.6, subsection 11, paragraph b, Code 1981, is amended to read as follows:

b. [In the event of the death of] *If the spouse dies* either prior or subsequent to the death of the member, to the guardian of each surviving child [under eighteen years of age], a monthly pension equal to the monthly pension payable under subsection 9 of this section for the support of [such] *the* child.

Sec. 37. Section 411.6, subsection 12, paragraph a, unnumbered paragraph 1, Code 1981, is amended to read as follows:

[Effective July 1, 1980, and on] *On each July 1 [thereafter] and January 1*, the monthly pensions authorized in this section payable to retired members and to beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation payable to an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for [July of the preceding year] *the month in which the last preceding adjustment was made* and the monthly earnable compensation payable to an active member of the department of the same rank and position on the salary scale for [July of the year just beginning] *the month in which the adjustment is made* shall be added to the monthly pension of each retired member and each beneficiary as follows:

Sec. 38. Section 411.6, subsection 12, paragraph a, unnumbered paragraph 4, Code 1981, is amended to read as follows:

As of [the first of] *July 1 and January 1* of each year, the monthly pension payable to each surviving child under the provisions of subsections 8, 9, and 11 of this section shall be adjusted to equal six percent of the monthly earnable compensation payable on that *July 1 or January 1* to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or holding the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department.

Sec. 39. Section 411.6, subsection 12, paragraphs b and d, Code 1981, are amended to read as follows:

b. All monthly pensions adjusted as provided in this subsection shall be payable beginning on *July 1 and January 1* of the year in which the adjustment is made and shall continue in effect until the next [following July 1] *adjustment* at which time the monthly pensions shall again be adjusted in accordance with paragraph "a" of this subsection.

d. A retired member eligible for benefits under [the provisions of] subsection 1 of this section is not eligible for the [annual] readjustment of pensions provided in this subsection unless the member served twenty-two years and attained the age of fifty-five years prior to [his] *the member's* termination of employment.

Sec. 40. Section 411.7, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. The city treasurer may invest at the direction of the respective boards of trustees a portion of the funds established in section 411.8 which in the judgment of the respective boards are not needed for current payment of benefits under this chapter in investments authorized in section 97B.7, subsection 2, paragraph b, for moneys in the Iowa public employees' retirement fund.

Sec. 41. Section 411.8, subsection 1, paragraph f, Code 1981, is amended to read as follows:

f. An amount equal to [two] *three* and [twenty-one hundredths] *one-tenth* percent of each member's compensation from the *earnable* compensation of the member shall be paid to the pension accumulation fund.

Sec. 42. Section 411.11, Code 1981, is amended to read as follows:

411.11 CONTRIBUTIONS BY THE CITY. On or before January 1 of each year the respective boards of trustees shall certify to the superintendent of public safety the amounts which will become due and payable during the year next following to the pension accumulation fund and the expense fund. The amounts so certified shall be included by the superintendent of public safety in [his] *the* annual budget estimate. The amounts so certified shall be appropriated by the [said] *respective* cities and transferred to the retirement system for the ensuing year. [Said] *The* cities shall annually levy a tax sufficient in amount to cover [such] *the* appropriations.

However, the amounts due and payable for a retirement system during its first year, or portion of a year, of operation shall be determined using the rates of contribution adopted by the board of trustees.

Sec. 43. Section 411.19, Code 1981, is amended to read as follows:

411.19 TRANSFER OF BENEFITS TO ANOTHER CITY. A member of a retirement system established in this chapter who terminates employment with a city and is subsequently employed by another city and is eligible for coverage under this chapter, *or who transfers in the same city from one retirement system under this chapter to another retirement system under this chapter*, may transfer membership service earned under the first system to the system under which the member is employed. Upon the written request of the member with verification by the board of trustees of the system under which the member is employed, the board of trustees of the first system shall transmit to the board of trustees of the system under which the member is employed, within thirty days of the receipt of the request, the member's accumulated contributions [to be deposited in the annuity savings fund of the system under which the member is employed] and the actuarial equivalent of the amount in the pension accumulation fund which would be necessary to fund a pension equal to one twenty-second times the number of years of membership service completed, under the first system, to be deposited in the pension accumulation fund of the system under which the member is employed.

Sec. 44. Section 411.20, Code 1981, is amended to read as follows:

411.20 APPROPRIATION TO MUNICIPAL ASSISTANCE FUND.

1. There is appropriated from the general fund of the state to the municipal assistance fund established in chapter 405 for each fiscal year an amount necessary to be distributed to cities which have established fire and police retirement systems under the provisions of this chapter. Funds shall be used to finance the costs of benefits provided in this chapter by amendments of the Acts of the Sixty-sixth General Assembly, chapter 1089.

2. Commencing with the fiscal year beginning July 1, 1979 for retirement systems in existence on June 30, 1978, the amounts distributed [to each eligible city] to pay the state's portion of the costs of benefit improvements provided by the Sixty-sixth General Assembly, chapter 1089 shall be computed by the actuary employed by the respective board of trustees on the basis of the results of actuarial [studies] valuations performed by [such] the actuary for the fiscal years beginning July 1, 1978 and July 1, 1979 as provided in this section.

Prior to December 31, 1979 the actuary employed by the respective board of trustees shall perform the actuarial valuations of the system which are needed to determine the state's portion of the cost of the benefit improvements provided by the Acts of the Sixty-sixth General Assembly, chapter 1089, for the fiscal year commencing July 1, 1979, under this section as this section was effective on June 30, 1978. In addition, the actuary shall perform the actuarial valuations of the system which would have been needed to determine the state's portion of the cost of the benefit improvements under this section as this section was effective on June 30, 1978, for the fiscal year commencing July 1, 1978.

On the basis of the results of the actuarial valuations described above, each actuary employed by a board of trustees shall determine a ratio of the payroll which is determined by dividing the total of the state's portion of the cost of said benefit improvements as determined by the actuarial valuations described for the two fiscal years by the total payroll of the members of the system for the two fiscal years. The actuary shall certify the ratio so determined to the state comptroller.

For the fiscal year commencing July 1, 1979 and each fiscal year thereafter, the state comptroller shall pay to each city an amount equal to the ratio of payroll computed for a [city] retirement system times the payroll of the active members employed under that system [by that city] for the fiscal year.

3. For retirement systems established on or after July 1, 1978, the amounts distributed to cities shall be computed in the manner provided in subsections 1 and 2 by the actuary employed by the respective board of trustees on the basis of results of actuarial valuations performed by the actuary for the first fiscal year, or portion of a fiscal year, and the second fiscal year for which this chapter applies. The results of the actuarial valuations for the first fiscal year, or portion of a fiscal year, for which this chapter applies, shall determine the state's portion of the costs for that fiscal year, or portion of a fiscal year. The results of the actuarial valuations for the first two fiscal years, or for a portion of the first fiscal year and all of the second fiscal year shall determine the state's portion of the costs for the second and later fiscal years. Payment

shall be made based upon the ratio of payroll determined in the manner provided in subsection 2.

Sec. 45. Section 411.21, subsection 7, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Notwithstanding subsections 1, 3, 4, 5 and 6 of this section, beginning January 1, 1981, an active or vested member may request in writing and receive from the board of trustees, [his or her] *the member's* accumulated contributions from the annuity savings fund and remain eligible to receive benefits under section 411.6. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section 411.6 if [he or she] *the member* withdrew [his or her] *the member's* accumulated contributions from the annuity savings fund *after July 1, 1972 but* prior to July 1, 1979, except as provided in section 411.4. Accumulated contributions shall be paid according to the following schedule:

Sec. 46. Pensions payable under section 45 of this Act shall commence July 1, 1982 for a member or a member's spouse.

Sec. 47. Payment of benefits to a child, as defined in sections 1 and 26 of this Act, under sections 6, 7, 8, 34, 35, and 36 of this Act is retroactive to July 1, 1981.

ON THE PART OF THE SENATE:

JOHN N. NYSTROM, Chair
ROBERT CARR
FORREST V. SCHWENGELS
TOM SLATER
DALE L. TIEDEN

ON THE PART OF THE HOUSE:

GEORGE R. SWEARINGEN, Chair
DIANE BRANDT
DOROTHY CARPENTER
WILLIAM W. DIELEMAN
SEMOR C. TOFTE

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2218

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

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on Senate File 2218, a bill for an Act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments respectfully make the following report:

1. That the House recede from its amendment S-5636 to Senate File 2218 as amended, passed and reprinted by the Senate.

2. That Senate File 2218 as amended, passed and reprinted by the Senate be amended as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

“Section 1. Chapter 93A, Code 1981, is amended by striking the chapter and inserting in lieu thereof sections 2 through 14 of this Act.

Sec. 2. *NEW SECTION. PURPOSE.* It is the intent of the general assembly and the policy of this state to provide for the orderly use and development of land and related natural resources in Iowa for residential, commercial, industrial, and recreational purposes, preserve private property rights, protect natural and historic resources and fragile ecosystems of this state including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas to promote the efficient use and conservation of energy resources, to promote the creation and maintenance of wildlife habitat, to consider the protection of soil from wind and water erosion and preserve the availability and use of agricultural land for agricultural production, through processes that emphasize the participation of citizens and local governments.

The general assembly recognizes the importance of preserving the state's finite supply of agricultural land. Conversion of farmland to urban development, and other nonfarm uses, reduces future food production capabilities and may ultimately undermine agriculture as a major economic activity in Iowa.

It is the intent of the general assembly to provide local citizens and local governments the means by which agricultural land may be protected from nonagricultural development pressures. This may be accomplished by the creation of county land preservation and use plans and policies, adoption of an agricultural land preservation ordinance, or establishment of agricultural areas in which substantial agricultural activities are encouraged, so that land inside these areas or subject to those ordinances is conserved for the production of food, fiber, and livestock, thus assuring the preservation of agriculture as a major factor in the economy of this state.

Sec. 3. *NEW SECTION. DEFINITIONS.* As used in this chapter unless the context otherwise requires:

1. “Agricultural area” means an area meeting the qualifications of section 7 of this Act and designated under section 8 of this Act.

2. “County board” means the county board of supervisors.

3. “County commission” means the county land preservation and use commission.

4. “Farm” means the land, buildings, and machinery used in the commercial production of farm products.

5. “Farm operation” means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the marketing of products at roadside stands or farm markets, the creation of noise,

odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.

6. "Farm products" means those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

7. "Nuisance" means a public or private nuisance as defined either by statute, administrative rule, ordinance, or the common law.

8. "Nuisance action or proceeding" means an action, claim, or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

9. "Farmland" means those parcels of land suitable for the production of farm products.

Sec. 4. *NEW SECTION.* COUNTY LAND PRESERVATION AND USE COMMISSIONS ESTABLISHED.

1. In each county a county land preservation and use commission is created composed of the following members:

- a. One member appointed by and from the county agricultural extension council.
- b. Two members appointed by the district soil conservation commissioners, one of whom must be a member of the district soil conservation board of commissioners and one must be a person who is not a commissioner, but is actively operating a farm in the county.
- c. One member appointed by the board of supervisors from the residents of the county who may be a member of the board.
- d. One member appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint the member appointed under this paragraph.

However, if a city contains more than fifty percent of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under paragraph d shall be one member appointed by and from the mayor and councilpersons of that city and one member appointed by and from the convention of mayors and councilpersons and the member appointed under paragraph c shall be a resident of the county engaged in actual farming operations appointed by the board of supervisors.

2. The county commission shall meet and organize by the election of a chairperson and vice chairperson from among its members by October 1, 1982. A majority of the members of the county commission constitutes a quorum. Concurrence of a quorum is required to determine any matter relating to its official duties.

3. The state agricultural extension service shall provide county commissions with technical, informational, and clerical assistance.

4. A vacancy in the county commission shall be filled in the same manner as the appointment of the member whose position is vacant. The term of a county commissioner is four years. However, in the initial appointments to the county commission, the members appointed under paragraphs a and b of subsection 1 shall be appointed to terms of two years. Members may be appointed to succeed themselves.

Sec. 5. *NEW SECTION.* COUNTY INVENTORIES.

1. Each county commission shall compile a county land use inventory of the unincorporated areas of the county by January 1, 1984. The county inventories shall where adequate data is available contain at least the following:

a. The land available and used for agricultural purposes by soil suitability classifications or land capability classification, whichever is available.

b. The lands used for public facilities, which may include parks, recreation areas, schools, government buildings and historical sites.

c. The lands used for private open spaces, which may include woodlands, wetlands and water bodies.

d. The land used for each of the following uses: commercial, industrial including mineral extraction, residential and transportation.

e. The lands which have been converted from agricultural use to residential use, commercial or industrial use, or public facilities since 1960.

2. In addition to that provided under subsection 1, the county inventory shall also contain the land inside the boundaries of a city which is taxed as agricultural land.

3. The information required by subsection 1 shall be provided both in narrative and map form. The county commission shall provide a cartographic display which contrasts the county's present land use with the land use in the county in 1960 based on the best available information. The display need only show the areas in agriculture, private open spaces, public facilities, commercial, industrial, residential and transportation uses.

4. The state department of agriculture, office for planning and programming, department of soil conservation, state conservation commission, Iowa natural resources council, department of environmental quality, geological survey, state

agricultural extension service, and the Iowa development commission shall, upon request, provide to each county commission any pertinent land use information available to assist in the compiling of the county land use inventories.

Sec. 6. *NEW SECTION.* COUNTY LAND PRESERVATION AND USE PLAN.

1. By September 1, 1984, after at least one public hearing, a county commission shall propose to the county board a county land use plan for the unincorporated areas in the county, or it shall transmit to the county board the county land use inventory completed pursuant to section 5 of this Act together with a set of written findings on the following factors considered by the county commission:

- a. Methods of preserving agricultural lands for agricultural production.
- b. Methods of preserving and providing for recreational areas, forests, wetlands, streams, lakes and aquifers.
- c. Methods of providing for housing, commercial, industrial, transportational and recreational needs.
- d. Methods to promote the efficient use and conservation of energy resources.
- e. Methods to promote the creation and maintenance of wildlife habitat.
- f. Methods of implementing the plan, if adopted, including a formal countywide system to allow variances from the county plan that incorporates the examination of alternative land uses and a public hearing on such alternatives.
- g. Methods of encouraging the voluntary formation of agricultural areas by the owners of farmland.
- h. Methods of considering the platting of subdivisions and its effect upon the availability of farmland.

2. Upon receipt of the inventory and findings, the county board may direct the county commission to prepare a county land use plan for the consideration of the county board.

3. Upon receipt of a plan, the county board may rerefer the plan to the county commission for modification, reject the plan or adopt the plan either as originally submitted or as modified.

If the plan is approved by the county board, it shall be the land use policy of the county and shall be administered and enforced by the county in the unincorporated areas. The county commission shall review the county plan periodically for the purpose of considering amendments to it. If the commission proposes amendments to the plan, it shall forward the proposal to the county board which may rerefer the amendments to the commission for modification or reject or adopt the amendments.

4. Within thirty days after the completion of the county land use inventory compiled pursuant to section 5 of this Act or any county land use plan or set of written findings completed pursuant to section 6 of this Act, the county commission shall transmit one copy of each to the interagency resource council.

Sec. 7. NEW SECTION. CREATION OF AGRICULTURAL AREAS. An owner of farmland may submit a proposal to the county board for the creation of an agricultural area within the county. An agricultural area, at its creation, shall include at least five hundred acres of farmland, however, a smaller area may be created if the farmland is adjacent to farmland subject to an agricultural land preservation ordinance pursuant to section 15 of this Act. The proposal shall include a description of the proposed area, including its boundaries. The territory shall be as compact and as nearly adjacent as feasible. Land shall not be included in an agricultural area without the consent of the owner. Agricultural areas shall not exist within the corporate limits of the city. Agricultural areas may be created in a county which has adopted zoning ordinances. Except as provided in this section, the use of the land in agricultural areas is limited to farm operations.

1. The following shall be permitted in an agricultural area:

a. Residences constructed for occupation by a person engaged in farming or in a family farm operation. Nonconforming preexisting residences may be continued in residential use.

b. Property of a telephone company, city utility as defined in section 390.1, public utility as defined in section 476.1, or pipeline company as defined in section 479.2.

2. The county board of supervisors may permit any use not listed in subsection 1 in an agricultural area only if it finds all of the following:

a. The use is not inconsistent with the purposes set forth in section 2 of this Act.

b. The use does not interfere seriously with farm operations within the area.

c. The use does not materially alter the stability of the overall land use pattern in the area.

Sec. 8. NEW SECTION. DUTIES OF COUNTY BOARD.

1. Within thirty days of receipt of a proposal for an agricultural area which meets the statutory requirements, the county board shall provide notice of the proposal by publishing notice in a newspaper of general circulation in the county. Within forty-five days after receipt, the county board shall hold a public hearing on the proposal.

2. Within sixty days after receipt, the county board shall adopt the proposal or any modification of the proposal it deems appropriate, unless to do so would be inconsistent with the purposes of this chapter.

Sec. 9. NEW SECTION. REQUIREMENT THAT DESCRIPTION OF

AGRICULTURAL AREAS BE FILED WITH COUNTY AUDITOR AND COUNTY RECORDER. Upon the creation of an agricultural area, its description shall be filed by the county board with the county auditor and placed on record in the office of the county recorder.

Sec. 10. NEW SECTION. WITHDRAWAL. At any time after three years from the date of creation of an agricultural area, an owner may withdraw from an agricultural area by filing with the county board a request for withdrawal containing a legal description of the land to be withdrawn and a statement of the reasons for the withdrawal. The county board shall, within sixty days of receipt of the request, approve or deny the request for withdrawal. At any time after six years from the date of creation of an agricultural area, an owner may withdraw from an agricultural area by filing with the county board a notice of withdrawal containing a legal description of the land to be withdrawn.

The board shall cause the description of that agricultural area filed with the county auditor and recorded with the county recorder to be modified to reflect any withdrawal. Withdrawal shall be effective on the date of recording. The agricultural area from which the land is withdrawn shall continue in existence even if smaller than five hundred acres after withdrawal.

Sec. 11. NEW SECTION. LIMITATION ON POWER OF CERTAIN PUBLIC AGENCIES TO IMPOSE PUBLIC BENEFIT ASSESSMENTS OR SPECIAL ASSESSMENTS. A political subdivision or a benefited district providing public services such as sewer, water, or lights or for nonfarm drainage shall not impose benefit assessments or special assessments on land used primarily for agricultural production within an agricultural area on the basis of frontage, acreage, or value, unless the benefit assessments or special assessments were imposed prior to the formation of the agricultural area, or unless the service is provided to the landowner on the same basis as others having the service.

Sec. 12. NEW SECTION. INCENTIVES FOR AGRICULTURAL LAND PRESERVATION.

1. NUISANCE RESTRICTION. A farm or farm operation located in an agricultural area shall not be found to be a nuisance regardless of the established date of operation or expansion of the agricultural activities of the farm or farm operation. The subsection does not apply if the nuisance results from the negligent operation of the farm or farm operation. This subsection does not apply to actions or proceedings arising from injury or damage to person or property caused by the farm or farm operation before the creation of the agricultural area. This subsection does not affect or defeat the right of a person to recover damages for injury or damage sustained by the person because of the pollution or change in condition of the waters of a stream, the overflowing of the person's land, or excessive soil erosion onto another person's land.

2. WATER PRIORITY. In the application for a permit to divert, store, or withdraw water and in the allocation of available water resources under a water permit system, the Iowa natural resources council shall give priority to the use of

water resources by a farm or farm operations, exclusive of irrigation, located in an agricultural area over all other uses except the competing uses of water for ordinary household purposes.

Sec. 13. *NEW SECTION. STATE REGULATION.* In order to accomplish the purposes set forth in section 2 of this Act, a rule adopted by a state agency after the effective date of this Act which would restrict or regulate farms or farm operations may contain standards which are less restrictive for farms or farm operations inside an agricultural area than for farms or farm operations outside such an area. A rule containing such a discrimination shall not for the fact of such discrimination alone be found or held to be unreasonable, arbitrary, capricious, beyond the authority delegated to the agency, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 14. *NEW SECTION. STATE INTERAGENCY RESOURCE COUNCIL.* The state interagency resource council shall:

1. Serve as a center to gather information from various resources and agencies and disseminating this information to the county commissions.
2. Receive the county inventories and compile a statewide summary of the information contained in the inventories and submit the summary to the general assembly.
3. Distribute information beneficial to the county commissions for preparing the county plan.
4. Disseminate beneficial information or procedures developed by one or more counties to other counties.
5. Receive and maintain a record of individual county plans.

Sec. 15. Chapter 358A, Code 1981, is amended by adding the following new section:

NEW SECTION. AGRICULTURAL LAND PRESERVATION ORDINANCE. If a county adopts an agricultural land preservation ordinance under this chapter which subjects farmland to the same use restrictions provided in section 7 of this Act for agricultural areas, sections 11 through 13 and section 19 of this Act shall apply to farms and farm operations which are subject to the agricultural land preservation ordinance.

Sec. 16. Section 358A.2, Code 1981 Supplement, is amended to read as follows:

358A.2 FARMS EXEMPT. [No] *Except to the extent required to implement section 15 of this Act, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.*

Sec. 17. Section 358A.5, unnumbered paragraph 1, Code 1981 Supplement, is amended to read as follows:

[Such] *The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on July 1, 1981, or to require zoning in a county that did not have zoning prior to July 1, 1981.*

Sec. 18. Section 414.3, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 125, section 2, is amended to read as follows:

[Such] *The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy [shall] do not [be construed as voiding] void any zoning regulation existing on [the effective date of this Act] July 1, 1981, or [to] require zoning in a city that did not have zoning prior to [the effective date of this Act] July 1, 1981.*

Sec. 19. Section 472.3, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. *If the damages are to be paid by the state and the land to be condemned is within an agricultural area as provided in chapter 93A, a statement disclosing whether any of that land is classified as class I or class II land under the United States department of agriculture soil conservation service land capability classification system contained in the agriculture handbook number 210, 1961 edition and, if so classified, stating that the class I or class II land is reasonably necessary for the work of internal improvement for which condemnation is sought.*

Sec. 20. This Act does not invalidate any part of a zoning ordinance which is in effect on the effective date of this Act, or require the adoption of a zoning ordinance by any subdivision of the state."

2. Amend the title, by striking lines 3 and 4 and inserting in lieu thereof the following: "land preservation ordinances, county land use plans and agricultural areas and providing for certain preferences and restrictions on certain proceedings and assessments.

ON THE PART OF THE SENATE:

DALE L. TIEDEN, Chair
 FORREST V. SCHWENGELS
 BASS VAN GILST
 ARNE WALDSTEIN

ON THE PART OF THE HOUSE:

WAYNE BENNETT, Chair
 WENDELL C. PELLETT
 JOHN PELTON

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 2245

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2245, a bill for an Act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, respectfully make the following report:

1. That the Senate recede from its amendment S-5639 to the House amendment S-5503 to Senate File 2245, as passed by the Senate.

2. That the House recede from its amendment S-5503 to Senate File 2245, as passed by the Senate.

3. That Senate File 2245, as passed by the Senate, be amended as follows:

1. Page 1, by inserting after line 9 the following:

"Sec. 2. Section 125.13, subsection 2, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 58, sections 4 through 7, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. Intervention and referral programs which are financed and managed by a county or counties, are staffed by county employees, and do not receive state payments pursuant to a contract under section 125.44.

NEW LETTERED PARAGRAPH. Voluntary, nonprofit groups whose funding is provided solely from nontax sources."

2. Page 1, lines 17 and 18, by striking the words "continuing the administration" and inserting in lieu thereof the words "improving supervision".

3. Page 1, line 25, by striking the words "maximize the" and inserting in lieu thereof the words "make maximum".

4. Page 1, line 25, by striking the word "minimize" and inserting in lieu thereof the words "to eliminate".

5. Title page, line 2, by inserting after the word "program" the word "not".

6. Title page, line 3, by inserting after the word "department," the words "exempting certain county-financed programs which do not receive state funds from licensing,".

7. Renumbering as necessary.

ON THE PART OF THE SENATE:

JULIA GENTLEMAN, Chair
SUE YENGER
RICHARD VANDE HOEF
CHARLES MILLER
ALVIN MILLER

ON THE PART OF THE HOUSE:

JOE GROSS, Chair
JOYCE LONERGAN
HORACE DAGGETT
KEN DeGROOT
JANET CARL

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2250

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 2250, a bill for An Act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate and freeway primary road system, respectfully make the following report:

1. That the House recede from its amendment, S-5614, to the Senate amendment, H-5670, to House File 2250, as amended, passed, and reprinted by the House.

2. That the Senate recede from its amendment, H-5670, to House File 2250, as amended, passed, and reprinted by the House.

3. That House File 2250, as amended, passed, and reprinted by the House, be amended to read as follows:

"1. Page 1, line 20, by striking the words "[, including trade names]" and inserting in lieu thereof the words ", including trade names".

2. Page 1, line 23, by inserting after the word "have" the words "*free air for tire inflation and.*"

ON THE PART OF THE SENATE:

RICHARD F. DRAKE, Chair
 RICHARD COMITO
 JOHN W. JENSEN
 ALVIN V. MILLER

ON THE PART OF THE HOUSE:

WARREN JOHNSON, Chair
 DONALD H. BINNEBOESE
 ARLYN E. DANKER
 LESTER D. MENKE
 EMIL S. PAVICH

REPORT OF THE CONFERENCE COMMITTEE
 ON HOUSE FILE 2369

To the President of the Senate and the Speaker of the House.

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on House File 2369 a bill for an Act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's driver's license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication respectfully make the following report:

1. The the House recede from its amendment S-5732 to the Senate amendment H-5884 to House File 2369 as amended, passed and reprinted by the House.

2. That the Senate amendment H-5884 to House File 2369 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, by striking lines 17 through 20 and inserting in lieu thereof the following:

"6. Page 2, line 35, by inserting after the word "arrest." the words "The court may accommodate the sentence to the work schedule of the defendant."

2. Page 2, by striking lines 3 through 12 and inserting in lieu thereof the following:

"14. Page 4, line 2, by inserting after the word "judgment." the words and figure "A person whose license to operate a motor vehicle is revoked pursuant to this subsection may be issued a temporary restricted driving permit by the department allowing the person to drive to and from the person's home and place of employment and in the person's employment and to attend evaluation, treatment or educational services for alcohol or drug dependency, if the person's license to operate a motor vehicle is not subject to revocation under section 321B.7 for refusal to submit to chemical testing."

3. Page 2, by striking lines 27 through 44 and inserting in lieu thereof the following:

"9. a. Upon a plea or verdict of guilty of a third or subsequent violation of this section, the court in which the plea was entered or the verdict was returned shall order that the defendant's license or permit to operate motor vehicles be revoked by the department and that the defendant shall remain ineligible for a new license or permit for a period of six years. Any license or permit to operate motor vehicles held by the defendant shall be surrendered to the court who shall forward it to the department with a copy of the order for revocation.

b. After two years from the date of the order for revocation, the defendant may apply to the court for restoration of the defendant's eligibility for a license or permit to operate motor vehicles. The application may be granted only if all of the following are shown by the defendant by a preponderance of the evidence:

(1) The defendant has completed an evaluation and, if recommended by the evaluation, a program of treatment for chemical dependency and is recovering, or has substantially recovered, from that dependency on or tendency to abuse alcohol or drugs.

(2) The defendant has not been convicted, since the date of the revocation order, of any subsequent violations of this section or section 123.46, or any comparable city or county ordinance, and the defendant has not, since the date of the revocation order, submitted to a chemical test under chapter 321B that indicated ten hundredths or more of one percent by weight of alcohol in the person's blood or refused to submit to chemical testing under that chapter.

(3) The defendant has abstained from the excessive consumption of alcoholic beverages and the consumption of controlled substances, except at the direction of a licensed physician or pursuant to a valid prescription.

(4) The defendant's license or permit is not currently subject to suspension or revocation for any other reason.

c. The court shall forward to the department a record of any application submitted under paragraph b and the results of the court's disposition of the application."

4. Page 3, by striking lines 9 through 37 and inserting in lieu thereof the following:

"23. Page 6, by striking lines 8 and 9 and inserting in lieu thereof the following:

"Sec. 8. Section 321.283, subsection 6, Code 1981, is amended to read as follows:

6. Temporary permit. Any person required to attend [a course] *evaluation, treatment or rehabilitation services* by the provisions of this division, who is subject to a drivers license suspension or revocation, may be issued a temporary driving permit by the department restricted to driving to and from [his] *the person's* home, place of employment, in [his] *the person's* employment and the location of the

required [course] *evaluation, treatment or rehabilitation services*. Any person who does not receive a temporary driving permit may after the period of license suspension or revocation [under] *for a violation of section 321.281* have his or her drivers license reissued subject to suspension for failure to comply with the provisions of this division. This section shall not permit the issuance of a temporary driving permit or reissuance of a drivers license where the provisions of chapter 321A have not been complied with.

Successful completion of a course or *evaluation, treatment or rehabilitation services* required by this division shall not reverse a drivers license suspension or revocation or reduce the length of a suspension or revocation [under] *for a violation of section 321.281*; however, the director may reduce the length of a suspension or revocation contingent upon successful completion of a course for drinking drivers] *or under chapter 321B.*"

5. Page 4, by striking line 27 through page 5, line 7, and inserting in lieu thereof the following:

"NEW SECTION. TESTS PURSUANT TO WARRANTS.

1. Refusal to consent to a test under section 321B.3 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 707.5 where the following grounds exist:

a. A traffic accident has resulted in a death or personal injury reasonably likely to cause death, and

b. There are reasonable grounds to believe that one or more of the persons whose driving may have been the proximate cause of the accident was violating section 321.281 at the time of the accident.

2. Search warrants may be issued under this section in full compliance with chapter 808 or they may be issued under subsection 3 of this section.

3. Notwithstanding section 808.3, the issuance of a search warrant under this section may be based upon sworn oral testimony communicated by telephone if the magistrate who is asked to issue the warrant is satisfied that the circumstances make it reasonable to dispense with a written affidavit. The following shall then apply:

a. When a caller applies for the issuance of a warrant under this section and the magistrate becomes aware of the purpose of the call, the magistrate shall place under oath the person applying for the warrant.

b. The person applying for the warrant shall prepare a duplicate warrant and read the duplicate warrant, verbatim, to the magistrate who shall enter, verbatim, what is read to the magistrate on a form that will be considered the original warrant. The magistrate may direct that the warrant be modified.

c. The oral application testimony shall set forth facts and information tending to establish the existence of the grounds for the warrant and shall describe with a reasonable degree of specificity the person or persons whose driving is believed to have been the proximate cause of the accident and from whom a specimen is to be withdrawn and the location where the withdrawal of the specimen or specimens is to take place.

d. If a voice recording device is available, the magistrate may record by means of that device all of the call after the magistrate becomes aware of the purpose of the call. Otherwise, the magistrate shall cause a stenographic or longhand memorandum to be made of the oral testimony of the person applying for the warrant.

e. If the magistrate is satisfied from the oral testimony that the grounds for the warrant exists or that there is probable cause to believe that they exist, the magistrate shall order the issuance of the warrant by directing the person applying for the warrant to sign the magistrate's name on the duplicate warrant. The magistrate shall immediately sign the original warrant and enter on its face the exact time when the issuance was ordered.

f. The person who executes the warrant shall enter the time of execution on the face of the duplicate warrant.

g. The magistrate shall cause any record of the call made by means of a voice recording device to be transcribed, shall certify the accuracy of the transcript, and shall file the transcript and the original record with the clerk. If a stenographic or longhand memorandum was made of the oral testimony of the person who applied for the warrant, the magistrate shall file a signed copy with the clerk.

h. The clerk of court shall maintain the original and duplicate warrants along with the record of the telephone call and any transcript or memorandum made of the call in a confidential file until a charge, if any, is filed.

4. Search warrants issued under this section shall authorize and direct peace officers to secure the withdrawal of blood specimens by medical personnel under section 321B.4. Reasonable care shall be exercised to ensure the health and safety of the persons from whom specimens are withdrawn in execution of the warrants. If a person from whom a specimen is to be withdrawn objects to the withdrawal of blood, the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the warrant may be executed by the withdrawal of a specimen of breath for chemical testing.

5. The act of any person knowingly resisting or obstructing the withdrawal of a specimen pursuant to a search warrant issued under this section constitutes a contempt punishable by a fine not exceeding one thousand dollars or imprisonment in a county jail not exceeding one year or by both such fine and imprisonment. Also, if the withdrawal of a specimen is so resisted or obstructed, sections 321B.7 and 321B.11 apply.

6. Nonsubstantive variances between the contents of the original and duplicate warrants shall not cause a warrant issued under subsection 3 of this section to be considered invalid.

7. Specimens obtained pursuant to warrants issued under this section are not subject to disposition under section 808.9 or chapter 809.

8. Subsections 1 through 7 of this section do not apply where a test may be administered under section 321B.5.

9. Medical personnel who use reasonable care and accepted medical practices in withdrawing blood specimens are immune from liability for their actions in complying with requests made of them pursuant to search warrants or pursuant to section 321B.4."

6. Page 5, by striking lines 14 through 18 and inserting in lieu thereof the following:

"34. Page 12, by striking lines 12 through 17 and inserting in lieu thereof the following: "nonresident operating privilege for a period of [not less than] one hundred [twenty] *eighty* days [nor more than one year] *if the person has no previous revocation under section 321.209, subsection 2, section 321.281, or chapter 321B; one year if the person has one previous revocation under those provisions; and five hundred forty days if the person has two or more previous revocations under those provisions;* or if the person is a resident without a license or permit to operate a motor vehicle in this state, the [director] *department* shall deny to the person the issuance of a license or permit *for the same period a license or permit would be revoked* [within one year from the date of the alleged]".

7. Page 5, by striking lines 22 and 23.

8. Page 5, by striking lines 28 and 29 and inserting in lieu thereof the following:

"39. Page 15, line 9, by inserting after the words "*accept guilty pleas*" the words "*if the defendant is represented by legal counsel*"."

9. Page 5, by inserting after line 42 the following:

"42. Amend the title, lines 7 and 8, by striking the words "and making it effective upon publication"."

10. By renumbering and correcting internal references to conform with this amendment.

ON THE PART OF THE SENATE:

A.R. (BUD) KUDART, Chair
BOB CARR
LUCAS J. DE KOSTER
MICK LURA
ARTHUR A. SMALL, JR.

ON THE PART OF THE HOUSE:

DOUGLAS RITSEMA, Chair
BETTY JEAN CLARK
VIRGIL E. COREY
DANIEL JAY
JOSEPH J. WELSH

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2460

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

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 2460, a bill for an Act amending the juvenile justice code, respectfully make the following report:

1. That the Senate recede from its amendment, H-5834 to House File 2460 as amended, passed, and reprinted by the House.

2. That the House recede from its amendment S-5664, to the Senate amendment, H-5834, to House File 2460, as amended, passed, and reprinted by the House.

3. That House File 2460 as amended, passed, and reprinted by the House, be amended as follows:

1. Page 2, by inserting after line 22 the following:

"Sec. ____ . Section 232.28, subsections 1 and 2, Code 1981, are amended to read as follows:

1. Any person having knowledge of the facts may file a complaint with the court or its designee alleging that a child has committed a delinquent act. *A written record shall be maintained of any oral complaint received.*

2. The Court or its designee shall refer the complaint to an intake officer who shall *consult with law enforcement authorities having knowledge of the facts and* conduct a preliminary inquiry to determine what action should be taken."

2. Page 3, by striking line 34 through page 4, line 8.

3. Page 4, line 35, by inserting after the word "alleged" the following: "by a person authorized to file a petition under section 232.87, subsection 2, or by the court on its own motion".

4. Page 5, line 7, by inserting after the word "occurred" the words "and that the presence of the alleged sexual offender in the child's residence presents a danger to the child's life or physical, emotional, or mental health".

5. Page 6, by inserting after line 22 the following:

"Sec. ____ . Section 232.147, subsection 5, Code 1981, is amended to read as follows:

5. Inspection of social records and disclosure of their contents shall not be permitted except pursuant to court order or unless otherwise provided in this *subsection or chapter.*

If an informal adjustment of a complaint is made pursuant to section 232.29, the intake officer shall disclose to the victim of the delinquent act, upon the request of the victim, the name and address of the child who committed the delinquent act."

6. Page 6, by striking line 34, and inserting in lieu thereof the words "taken into custody and who is fourteen years of age or older".

7. Page 9, by inserting after line 11 the following:

"Sec. ____ . Section 708.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Reports or causes to be reported false information to the department of social services, alleging that a person has abused a child, knowing that the information is false, or who reports the alleged occurrence of child abuse knowing that the child abuse did not occur.

8. Title, page 1, line 7, by inserting after the word "release," the words "to require a written record of any oral complaint received,".

9. Title, page 1, line 10, by inserting after the word "records," the words "to provide a penalty for false reports of child abuse,".

10. Title, page 1, lines 16 and 17, by striking the words "to require delinquency adjudicatory hearings to be held within sixty days,".

11. Title, page 2, line 1, by inserting after the word "assistance," the words "to provide disclosure of certain information to the victim of the delinquent act,".

12. By renumbering as necessary.

ON THE PART OF THE SENATE:

JOHN S. MURRAY, Chair
 JULIA B. GENTLEMAN
 DICK RAMSEY
 BOB RUSH
 C. JOSEPH COLEMAN

ON THE PART OF THE HOUSE:

WALTER CONLON, Chair
 VIRGINIA POFFENBERGER
 JO ANN TRUCANO

REPORT OF THE CONFERENCE COMMITTEE
 ON HOUSE FILE 2463

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 2463, a bill for an Act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers

and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment.

2. That House File 2463, as amended, passed, and reprinted by the House, be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

“Section 1. Section 455B.1, subsections 1, 2, and 3, Code 1981, are amended to read as follows:

1. “Department” means the department of [environmental quality] *water, air and waste management*.

2. “Executive director” means the executive director of the department of [environmental quality] *water, air and waste management* or [his] *a designee of the executive director*.

3. “Commission” means the [environmental quality] *water, air and waste management* commission.

Sec. 2. Section 455B.2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

There is created a department of [environmental quality] *water, air and waste management*. The chief administrative officer of the department [shall be] *is* the executive director [of environmental quality,] who shall be appointed by the governor, subject to confirmation by the senate, and serve at the governor's pleasure.

Sec. 3. Section 455B.4, subsections 1 and 6, Code 1981, are amended to read as follows:

1. There is created [an environmental quality] *a water, air and waste management* commission consisting of nine members, not more than five of whom shall be from the same political party. The members shall be appointed by the governor subject to confirmation by the senate. Each member of the commission must be an elector of the state, and have interest and knowledge of the subjects embraced in this chapter. The membership of the commission shall be as follows: Three members actively engaged in livestock and grain farming, a member actively engaged in the management of a manufacturing company, one member actively engaged in the business of finance or commerce, and four members who are electors of the state. The members of the commission shall be appointed to four-year, *staggered* terms of office commencing and ending as provided in section 69.19. Vacancies occurring during a term of office shall be filled by appointment for the balance of the unexpired term

subject to confirmation by the senate. A commission member shall not be appointed to serve more than two consecutive four-year terms.

6. The executive director shall notify the secretary of agriculture, the commissioner of public health, the chief administrative officer of the department of soil conservation, [the director of the Iowa natural resources council,] the director of the state conservation commission, *the Iowa geological survey*, and the director of the state hygienic laboratory of the scheduled meetings of the commission.

Sec. 4. Section 455B.5, subsection 3, Code 1981, is amended to read as follows:

3. Adopt, modify, or repeal rules necessary to implement the provisions of this chapter and the rules deemed necessary for the effective administration of the department. *A rule adopted under this chapter to carry out a federal regulation shall not become effective if the rule is more restrictive than required by the federal regulation unless the rule is approved by enactment of the general assembly. It is the intent of the general assembly that the commission exercise strict oversight of the operations of the department.* The rules shall include departmental policy relating to the disclosure of information on a violation or alleged violation of the rules, standards, permits or orders issued by the department and keeping of confidential information obtained by the department in the administration and enforcement of the provisions of this chapter. Rules adopted by the executive committee before January 1, 1981 shall remain effective until modified or rescinded by action of the commission.

Sec. 5. Section 455B.5, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Appoint a water coordinator who shall coordinate requests from the public for information or assistance relating to the administration of water resources laws and programs and the resolution of water-related problems.

Sec. 6. Section 455B.30, subsection 8, Code 1981, is amended by striking the subsection.

Sec. 7. Section 455B.30, subsection 19, Code 1981, is amended to read as follows:

19. "Public water supply system" means a system for the provision to the public of piped water for human consumption, if [such] *the* system has at least [fifteen] *twenty* service connections or regularly serves at least [twenty-five] *one hundred* individuals. [Such] *The* term includes any source of water and any collection, treatment, storage, and distribution facilities under control of the operator of [such] *the* system and used primarily in connection with [such] *the* system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with [such] *the* system.

Sec. 8. Section 455B.30, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Private water supply" means any water supply for human consumption which has less than twenty service connections or regularly serves less than one hundred individuals.

NEW SUBSECTION. "Private sewage disposal system" means a system for the treatment or disposal of domestic sewage from four or fewer dwelling units.

Sec. 9. Section 455B.31, Code 1981, is amended to read as follows:

455B.31 ADMINISTRATIVE AGENCY.

1. The department [shall be] is the agency of the state to prevent, abate, or control water pollution and to conduct the public water supply program.

2. *The department is the state agency designated to carry out the state responsibilities related to private water supplies and private sewage disposal systems for the protection of the health of the citizens of this state. The commission shall adopt guidelines and provide model standards for private water supplies and private sewage disposal facilities for use of the local boards of health. Each local board of health is the agency to regulate private water supplies and private sewage disposal systems. Each local board of health shall adopt standards relating to the design and construction of private water supplies and private sewage disposal facilities.*

Sec. 10. Section 455B.32, subsection 4, Code 1981, is amended by striking the subsection.

Sec. 11. Section 455B.45, subsection 1, Code 1981, is amended to read as follows:

1. The construction, installation or modification of any disposal system or public water supply distribution system or part thereof or any extension or addition thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section. *A permit shall be issued for the construction, installation or modification of a public water supply distribution system or part of a system if a qualified, registered engineer certifies to the commission that the plans for the system or part of the system meet the requirements of federal law or regulations. The permit shall state that approval is based only upon the engineer's certification that the system's design meets the requirements of all applicable federal laws and regulations.*

Sec. 12. Section 455B.53, subsection 6, Code 1981, is amended to read as follows:

6. [Two members] *One member* who [shall not be] *is not a* certificated waterworks [operators] *operator* or certificated waste waterworks [operators] *operator*, but who shall be interested and knowledgeable in water supply or waste water collection and treatment, and who shall represent the general public.

Sec. 13. Section 455B.53, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. One member who is a director of the board of a rural water district established under chapter 357A or 504A.

Sec. 14. Chapter 455B, division III, Code 1981, is amended by adding sections 15 through 34 of this Act as a new part.

Sec. 15. *NEW SECTION. DEFINITIONS.* As used in this part of division III, unless the context otherwise requires:

1. "Flood plains" means the area adjoining a river or stream which has been or is covered by flood water.

2. "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any river or stream.

3. "Surface water" means the water occurring on the surface of the ground.

4. "Ground water" means that water occurring beneath the surface of the ground.

5. "Diffused waters" means waters from precipitation and snowmelt which is not a part of any watercourse or basin including capillary soil water.

6. "Depleting use" means the storage, diversion, conveyance, or other use of a supply of water if the use may impair rights of lower or surrounding users, may impair the natural resources of the state, or may injure the public welfare if not controlled.

7. "Beneficial use" means the application of water to a useful purpose that inures to the benefit of the water user and subject to the user's dominion and control but does not include the waste or pollution of water.

8. "Nonregulated use" means the use of water for ordinary household purposes, use of water for poultry, livestock, and domestic animals, any beneficial use of surface flow from rivers bordering this state, any existing beneficial uses of water within the territorial boundaries of municipal corporations on May 16, 1957, and any other beneficial use of water by any person of less than twenty-five thousand gallons per day. However, industrial users of water, having their own water supply, within the territorial boundaries of municipal corporations, shall be regulated when their water use exceeds three percent more than the highest per day beneficial use prior to May 16, 1957.

9. "Regulated use" means any depleting use except a use specifically designated as a nonregulated use.

10. "Permit" means a written authorization issued by the department to a permittee which is limited as to quantity, time, place, and rate of diversion, storage, or withdrawal in accordance with the policies and principles of beneficial use as specified in this part.

11. "Permittee" means a person who obtains a permit from the department authorizing the person to take possession by diversion or otherwise and to use and apply an allotted quantity of water for a designated beneficial use, and who makes actual use of the water for that purpose.

12. "Waste" means any of the following:

a. Permitting ground water or surface water to flow, or taking it or using it in any manner so that it is not put to its full beneficial use.

b. Transporting ground water from its source to its place of use in such a manner that there is an excessive loss in transit.

c. Permitting or causing the pollution of a water-bearing strata through any act which will cause salt water, highly mineralized water, or otherwise contaminated water to enter it.

13. "Watercourse" means any lake, river, creek, ditch, or other body of water or channel having definite banks and bed with visible evidence of the flow or occurrence of water, except lakes or ponds without outlet to which only one landowner is riparian.

14. "Basin" means a specific subsurface water-bearing reservoir having reasonably ascertainable boundaries.

15. "Established average minimum flow" means the average minimum flow for a given watercourse at a given point determined and established by the commission. The "average minimum flow" for a given watercourse shall be determined by the following factors:

a. Average of minimum daily flows occurring during the preceding years chosen by the commission as more nearly representative of changing conditions and needs of a given drainage area at a particular time.

b. Minimum daily flows shown by experience to be the limit at which further withdrawals would be harmful to the public interest in any particular drainage area.

c. The minimum daily flows shown by established discharge records and experiences to be definitely harmful to the public interest.

The determination shall be based upon available data, supplemented, when available data are incomplete, with whatever evidence is available.

16. "Impounded or stored water" means that water captured and stored on the land by anyone taking it pursuant to this chapter, and the party impounding the water shall become the absolute owner of the stored water.

Sec. 16. *NEW SECTION.* DECLARATION OF POLICY.

1. It is recognized that the protection of life and property from floods, the

prevention of damage to lands from floods, and the orderly development, wise use, protection, and conservation of the water resources of the state by their considered and proper use is of paramount importance to the welfare and prosperity of the people of the state, and to realize these objectives, it is the policy of the state to correlate and vest the powers of the state in a single agency, the department, with the duty and authority to assess the water needs of all water users at five-year intervals for the twenty years beginning January 1, 1983, and ending December 31, 2003, utilizing a data base developed and managed by the Iowa geological survey, and prepare a general plan of water allocation in this state considering the types of water resources available in this state designed to meet the specific needs of the water users. The general welfare of the people of the state requires that the water resources of the state be put to beneficial use to the fullest extent possible, and that the waste or unreasonable use, or unreasonable methods of use of water be prevented, and that the conservation of water resources be encouraged with the view to their reasonable and beneficial use in the interest of the people, and that the public and private funds for the promotion and expansion of the beneficial use of water resources be invested to the end that the best interests and welfare of the people are served.

2. Water occurring in a basin or watercourse, or other natural body of water of the state, is public water and public wealth of the people of the state and subject to use in accordance with this chapter, and the control and development and use of water for all beneficial purposes is vested in the state, which shall take measures to encourage full utilization and protection of the water resources of the state.

Sec. 17. *NEW SECTION. DUTIES.*

1. a. Not later than January 15, 1985, the commission shall deliver to the secretary of the senate and the chief clerk of the house identical joint resolutions enacting a general plan of water allocation priorities for this state, considering the types of water resources available in the state and the water needs of all types of water users in this state, with a recommendation on the most effective means of implementation of the plan. It is the intent of this subsection that the general assembly shall bring the joint resolution to a vote in either chamber under a procedure or rule permitting no amendment except those of a purely corrective nature. If by the end of the fourth week of the 1985 regular session, the joint resolution embodying the plan is not approved by a constitutional majority in both chambers, the commission shall, by the end of the sixth week of the 1985 regular session, prepare and deliver to the secretary of the senate and the chief clerk of the house identical joint resolutions embodying a second plan, taking into account the reasons cited by either the secretary of the senate or chief clerk of the house for the failure of the first plan.

b. If, proceeding under a procedure or rule permitting amendments in the same manner as other joint resolutions, the joint resolution embodying the second plan is not adopted by a constitutional majority in both chambers by the end of the tenth week of the 1985 regular session, the commission shall, by the end of the eleventh week of the 1985 regular session, prepare and deliver to the secretary of the senate and the chief clerk of the house identical joint resolutions embodying a third plan, taking into account the reasons cited by either the secretary of the senate or chief clerk of the house for failure of the second plan. It is the intent of this subsection that

the third joint resolution be subject to amendment in the same manner as other joint resolutions, and be adopted by the end of the 1985 Session, including any extraordinary sessions of the general assembly.

2. The commission shall designate the official representative of this state on all comprehensive water resources planning groups for which state participation is provided. The commission shall coordinate state planning with local and national planning and, in safeguarding the interests of the state and its people, shall undertake the resolution of any conflicts that may arise between the water resources policies, plans, and projects of the federal government and the water resources policies, plans, and projects of the state, its agencies, and its people. This section does not limit or supplant the functions, duties, and responsibilities of other state or local agencies or institutions with regard to planning of water-associated projects within the particular area of responsibility of those state or local agencies or institutions.

3. The commission shall enter into negotiations and agreements with the federal government relative to the operation of, or the release of water from, any project that has been authorized or constructed by the federal government when the commission deems the negotiations and agreements to be necessary for the achievement of the policies of this state relative to its water resources.

4. The commission, on behalf of the state, shall enter into negotiations with the federal government relative to the inclusion of conservation storage features for water supply in any project that has been authorized by the federal government when the commission deems the negotiations to be necessary for the achievement of the policies of this state, however, an agreement reached pursuant to these negotiations does not bind the state until enacted into law by the general assembly.

5. A water user who benefits from the development by the federal government of conservation storage for water supply shall be encouraged to assume the responsibility for repaying to the federal government any reimbursable costs incurred in the development, and a user who accepts benefits from the developments financed in whole or part by the state shall assume by contract the responsibility of repaying to the state the user's reasonable share of the state's obligations in accordance with a basis which will assure payment within the life of the development. An appropriation, diversion, or use shall not be made by a person of any waters of the state that have been stored or released from storage either under the authority of the state or pursuant to an agreement between the state and the federal government until the person has assumed by contract the person's repayment responsibility. However, this subsection does not infringe upon any vested property interests.

6. In its contracts with water users for the payment of state obligations incurred in the development of conservation storage for water supply, the commission shall include the terms deemed reasonable and necessary:

- a. To protect the health, safety, and general welfare of the people of the state.
- b. To achieve the purposes of this chapter.

c. To provide that the state is not responsible to any person if the waters involved are insufficient for performance.

The commission may designate and describe any such contract, and describe the relationships to which it relates, as a sale of storage capacity, a sale of water release services, a contract for the storage or sale of water, or any similar terms suggestive of the creation of a property interest. The term of the contracts shall be commensurate with the investment and use concerned, but the commission shall not enter into any such contract for a term in excess of the maximum period provided for water use permits.

7. The commission shall procure flood control works and water resources projects from or by cooperation with any agency of the United States, by cooperation with the cities and other subdivisions of the state under the laws of the state relating to flood control and use of water resources, and by cooperation with the action of landowners in areas affected by the works or projects when the commissioner deems the projects to be necessary for the achievement of the policies of this state.

8. The commission shall promote the policies set forth in this part and shall represent this state in all matters within the scope of this part. The commission shall adopt rules pursuant to chapter 17A as necessary to transact its business and for the administration and exercise of its powers and duties.

9. In carrying out its duties, the commission may accept gifts, contributions, donations and grants, and use them for any purpose within the scope of this part.

Sec. 18. NEW SECTION. JURISDICTION-DIVERSION OF WATER.

1. The commission has jurisdiction over the public and private waters in the state and the lands adjacent to the waters necessary for the purposes of carrying out this part. The commission may construct flood control works or any part of the works. In the construction of the works, in making surveys and investigations, or in formulating plans and programs relating to the water resources of the state, the commission may cooperate with an agency of another state or the United States, or with any other person.

2. Upon application by any person for permission to divert, pump, or otherwise take waters from any watercourse, underground basin or watercourse, drainage ditch, or settling basin within this state for any purpose other than a nonregulated use, the executive director shall investigate the effect of the use upon the natural flow of the watercourse, the effect of the use upon the owners of any land which might be affected by the use, whether the use is consistent with the plan of water allocation priorities for this state, and shall hold a hearing.

3. Upon application by any person for approval of the construction or maintenance of any structure, dam, obstruction, deposit, or excavation to be erected, used, or maintained in or on the flood plains of any river or stream, the department shall investigate the effect of the construction or maintenance project on the efficiency and capacity of the floodway and on the plan of water allocation priorities for this

state. In determining the effect of the proposal the department shall consider fully its effect on flooding of or flood control for any proposed works and adjacent lands and property, on the wise use and protection of water resources, on the quality of water, on fish, wildlife, and recreational facilities or uses, and on all other public rights and requirements.

Sec. 19. NEW SECTION. PERMITS FOR DIVERSION, STORAGE, AND WITHDRAWAL. If the department determines after due investigation that the diversion, storage, or withdrawal of water will not be detrimental to the public interests, including drainage and levee districts, or to the interests of property owners with prior or superior rights who may be affected, the department shall grant a permit for the diversion, storage, or withdrawal. Permits may be granted for any period of time not exceeding ten years except permits for the storage of water which may be granted for the life of the structure unless revoked by the commission. All existing storage permits are extended for the life of the structure unless withdrawn for good cause. Permits may be granted which provide for less diversion, storage, or withdrawal of waters than set forth in the application. A permit granted shall remain as an appurtenance of the land described in the permit through the date specified in the permit and any extension of the permit or until earlier date if the permit or any extension of the permit is modified or canceled under section 25 of this Act. Upon application for a permit prior to the termination date specified in the permit, a permit may be renewed by the department for any period of time not to exceed ten years.

Sec. 20. NEW SECTION. PRIORITY OF PERMITS FOR DIVERSION, STORAGE, AND WITHDRAWAL. In the consideration of applications for permits, priority in processing shall be given to persons in the order that the applications are received, except that this processing priority shall not affect the substantive priorities established under the plan of water allocation priorities for this state and except where the application of this priority system prevents the prompt approval of routine applications or where the public health, safety or welfare will be threatened by delay. The executive director or the commission on appeal shall determine the duration and frequency of withdrawal and the quantity of water for which a permit may be granted. Any person with an existing irrigation system in use prior to May 16, 1957, shall be issued a permit to continue unless its use damages some other riparian user. In the consideration of applications for permits by regulated users, the plan of water allocation priorities for this state as adopted by the general assembly establishes standards for the determination of the disposition of the applications for permits. If there is competition for water, the use of water for irrigation has a lower priority than other beneficial uses of water subject to conditions which the commission may establish by rule. This part does not impair the vested right of any person.

Sec. 21. NEW SECTION. PERMITS FOR BENEFICIAL USE--PROHIBITIONS.

1. The executive director or the commission may issue a permit for beneficial use of water in a watercourse if the established average minimum water flow is preserved.

2. A use of water shall not be authorized if it will impair the effect of this chapter or any other pollution control law of this state.

3. A permit shall not be issued or continued if it will impair the navigability of any navigable watercourse.

Sec. 22. NEW SECTION. WHEN PERMIT REQUIRED.

1. A permit shall be required for the following:

a. A municipal corporation or a person supplying a municipal corporation which increases its water use in excess of one hundred thousand gallons or three percent, whichever is the greater, per day more than its highest per day beneficial use prior to May 16, 1957. The corporation or person shall make reasonable provision for the storage of water at times when the daily use of the water by the corporation or person is less than the amount specified in this subsection.

b. Except for a nonregulated use, a person using in excess of twenty-five thousand gallons of water per day, diverted, stored, or withdrawn from any source of supply except a municipal water system or any other source specifically exempted under this part.

c. A person who diverts water or any material from the surface directly into an underground watercourse or basin.

d. Industrial users of water having their own water supply within the territorial boundaries of municipal corporations when the water use exceeds three percent more than the highest per day beneficial use prior to May 16, 1957.

2. The commission may adopt, modify, or repeal rules pursuant to chapter 17A specifying the conditions under which the executive director may authorize specific nonrecurring minor uses of water for periods not to exceed one year through registration.

3. Notwithstanding any exemptions from permit requirements, nothing in this part exempts water users from requirements for reporting which the commission adopts by rule.

Sec. 23. NEW SECTION. TAKING WATER PROHIBITED. A person shall not take water from a natural watercourse, underground basin or watercourse, drainage ditch, or settling basin within this state for any purpose other than a nonregulated use except in compliance with this part. However, existing uses may be continued during the period of the pendency of an application for a permit.

Sec. 24. NEW SECTION. RIGHTS PRESERVED. This part does not deprive any person of the right to use diffused waters, to drain land by use of tile, open ditch, or surface drainage, or to construct an impoundment on the person's property or across a stream that originates on the person's property if provision is made for safe construction and for a continued established average minimum flow when the flow is required to protect the rights of water users below.

Sec. 25. NEW SECTION. MODIFICATION OR CANCELLATION OF PERMITS. Each permit issued under this part is irrevocable for its term and for any extension of its term except as follows:

1. A permit may be modified or canceled by the department with the consent of the permittee.

2. Subject to appeal to the commission, a permit may be modified or canceled by the executive director if any of the following occur:

a. There is a breach of the terms of the permit.

b. There is a violation of the law pertaining to the permit by the permittee or the permittee's agents.

c. There is a circumstance of nonuse as provided in section 26 of this Act.

d. The department finds that modification or cancellation is necessary to protect the public health or safety, to protect the public interests in lands or waters, or to prevent substantial injury to persons or property in any manner. Before the modification or cancellation is effective, the department shall give at least thirty days' written notice mailed to the permittee at the permittee's last known address, stating the grounds of the proposed modification or cancellation and giving the permittee an opportunity to be heard on the proposal.

3. By written order to the permittee, the department may suspend operations under a permit if the executive director finds it necessary in an emergency to protect the public health, to protect the public interest in waters against imminent danger of substantial injury in any manner or to an extent not expressly authorized by the permit, or to protect persons or property against imminent danger. The department may require the permittee to take measures necessary to prevent or remedy the injury, but an order shall not be in effect for more than thirty days from the date of issue without giving the permittee at least ten days' written notice of the order and an opportunity to be heard on the order.

Sec. 26. NEW SECTION. TERMINATION OF PERMIT. The right of the permittee and the permittee's successors to the use of water shall terminate when the permittee or the permittee's successors fail for three consecutive years to use it for the specific beneficial purpose authorized in the permit and, after notification by the department of intent to cancel the permit for nonuse, the permittee or the permittee's successors fail to demonstrate adequate plans to use water within a reasonable time.

Sec. 27. NEW SECTION. DISPOSAL OF PERMIT. A permittee may sell, transfer, or assign a permit by conveying, leasing, or otherwise transferring the ownership of the land described in the permit, but the permit does not constitute ownership or absolute rights of use of the waters. The waters remain subject to the principle of beneficial use and the orders of the executive director or commission.

Sec. 28. NEW SECTION. UNAUTHORIZED DEPLETING USES. If a person files a complaint with the department that another person is making a depleting use of water not expressly exempted as a nonregulated use under this part and without a permit to do so, the department shall cause an investigation to be made and if the facts stated in the complaint are verified the department shall order the discontinuance of the use.

Sec. 29. NEW SECTION. PROHIBITED ACTS--POWERS OF COMMISSION AND EXECUTIVE DIRECTOR.

1. A person shall not erect, use or maintain a structure, deposit, or excavation in or on a floodway or flood plains, which will adversely affect the efficiency of or unduly restrict the capacity of the floodway, adversely affect the control, development, protection, allocation, or utilization of the water resources of the state, and the same are declared to be public nuisances. However, this subsection does not apply to dams constructed and operated under the authority of chapter 469.

2. The department may commence, maintain, and prosecute any appropriate action to enjoin or abate a nuisance, including any of the nuisances specified in subsection 1 and any other nuisance which adversely affects flood control.

3. If a person desires to erect or make or to permit a structure, dam, obstruction, deposit or excavation, other than a dam constructed and operated under chapter 469, to be erected, made, used, or maintained in or on any floodway or flood plains, the person shall file a verified written application with the department, setting forth information as required by rule of the commission. The department, after an investigation, shall approve or deny the application imposing conditions and terms as prescribed by the department.

4. The department may maintain an action in equity to enjoin a person from erecting or making or permitting to be made a structure, dam, obstruction, deposit, or excavation other than a dam constructed and operated under the authority of chapter 469, for which a permit has not been granted. The department may also seek judicial abatement of any structure, dam, obstruction, deposit, or excavation erected or made without a permit required under this part. The abatement proceeding may be commenced to enforce an administrative determination of the department in a contested case proceeding that a public nuisance exists and should be abated.

5. The department may remove or eliminate a structure, dam, obstruction, deposit, or excavation in a floodway which adversely affects the efficiency of or unduly restricts the capacity of the floodway, by an action in condemnation, and in assessing the damages in the proceeding, the appraisers and the court shall take into consideration whether the structure, dam, obstruction, deposit, or excavation is lawfully in or on the floodway in compliance with this part.

6. The department may require, as a condition of an approval order or permit granted pursuant to this part or chapter 469, the furnishing of a performance bond with good and sufficient surety, conditioned upon full compliance with the order or permit and the rules of the commission. In determining the need for and amount of

bond, the department shall give consideration to the hazard posed by the construction and maintenance of the approved works and the protection of the health, safety, and welfare of the people of the state. This subsection does not apply to orders or permits granted to a governmental entity.

7. When approving a request to straighten a stream, the department may establish as a condition of approval a permanent prohibition against tillage of land owned by the person receiving the approval and lying within a minimum distance from the stream sufficient in the judgment of the director or commission to hold soil erosion to reasonable limits. The department shall record the prohibition in the office of the county recorder of the appropriate county and the prohibition shall attach to the land.

8. The commission shall establish, by rule, thresholds for dimensions and effects, and any structure, dam, obstruction, deposit, or excavation having smaller dimensions and effects than those established by the commission is not subject to regulation under this section. The thresholds shall be established so that only those structures, dams, obstructions, deposits, or excavations posing a significant threat to the well-being of the public and the environment are subject to regulation.

Sec. 30. NEW SECTION. FLOOD PLAINS--ENCROACHMENT LIMITS. The commission may establish and enforce rules for the orderly development and wise use of the flood plains of any river or stream within the state and alter, change, or revoke the rules. The commission shall determine the characteristics of floods which reasonably may be expected to occur and may establish by order encroachment limits, protection methods, and minimum protection levels appropriate to the flooding characteristics of the stream and to reasonable use of the flood plains. The order shall fix the length of flood plains to be regulated at any practical distance, the width of the zone between the encroachment limits so as to include portions of the flood plains adjoining the channel, which with the channel, are required to carry and discharge the flood waters or flood flow of the river or stream, and the design discharge and water surface elevations for which protection shall be provided for projects outside the encroachment limits but within the limits of inundation. Plans for the protection of projects proposed for areas subject to inundation shall be reviewed as plans for flood control works within the purview of section 31 of this Act. An order establishing encroachment limits shall not be issued until due notice of the proposed order is given and opportunity for public hearing given for the presentation of protests against the order. In establishing the limits, the commission shall avoid to the greatest possible degree the evacuation of persons residing in the area of a floodway, the removal of residential structures occupied by the persons in the area of a floodway, and the removal of structures erected or made prior to July 4, 1965, which are located on the flood plains of a river or stream but not within the area of a floodway.

The commission shall cooperate with and assist local units of government in the establishment of encroachment limits, flood plain regulations, and zoning ordinances relating to flood plain areas within their jurisdiction. Encroachment limits, flood plain regulations, or flood plain zoning ordinances proposed by local units of government shall be submitted to the department for review and approval

prior to adoption by the local units of government. Changes or variations from an approved regulation or ordinance as it relates to flood plain use are subject to approval by the commission prior to adoption. Individual applications, plans, and specifications and individual approval orders shall not be required for works on the flood plains constructed in conformity with encroachment limits, flood plain regulations, or zoning ordinances adopted by the local units of government and approved by the commission.

Sec. 31. NEW SECTION. FLOOD CONTROL WORKS COORDINATED. All flood control works in the state, which are established and constructed after the effective date of this Act, shall be coordinated in design, construction, and operation according to sound and accepted engineering practice so as to effect the best flood control obtainable throughout the state. A person shall not construct or install works of any nature for flood control until the proposed works and the plans and specifications for the works are approved by the commission. The commission shall consider all the pertinent facts relating to the proposed works which will affect flood control and water resources in the state and shall determine whether the proposed works in the plans and specifications will be in aid of and acceptable as part of, or will adversely affect and interfere with flood control in the state, adversely affect the control, development, protection, allocation, or utilization of the water resources of the state, or adversely affect or interfere with the state comprehensive plan for water resources or an approved local water resources plan. In the event of disapproval, the commission shall set forth the objectionable features so that the proposed works and the plans and specifications for the proposed works may be corrected or adjusted to obtain approval.

This section applies to drainage districts, soil conservation districts, the state conservation commission, political subdivisions of the state, and private persons undertaking projects relating to flood control.

Sec. 32. NEW SECTION. PERMIT APPLICATION PROCEDURES.

1. The commission shall adopt, modify, or repeal rules establishing procedures by which permits required under this part shall be issued, suspended, revoked, modified, or denied. The procedures shall include provisions for application, an application fee sufficient to pay the administrative costs of the permit process, public notice and opportunity for public hearing, and contested cases.

2. Action by the department upon an application for a permit required under this part may be appealed to the commission by the applicant or any affected person within thirty days of the department's action. A hearing before the commission or its designee is a contested case. The hearings and judicial review of decisions of the commission shall be carried out in accordance with chapter 17A. Notwithstanding chapter 17A, petitions for judicial review may be filed in the district court of Polk county or of any county in which the property affected is located. If the commission, the district court, or the supreme court determines that the action of the commission shall be stayed, the petitioner shall file an appropriate bond approved by the court.

Sec. 33. NEW SECTION. VIOLATION.

1. The commission may issue any order necessary to secure compliance with or prevent a violation of this part or the rules adopted pursuant to this part. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission.

2. A person who violates a provision of this part or a rule or order adopted or promulgated or the conditions of a permit issued pursuant to this part is subject to a civil penalty not to exceed five hundred dollars for each day that a violation occurs.

Sec. 34. NEW SECTION. COORDINATION WITH CONSERVANCY DISTRICTS. The commission and the boards of the conservancy districts established by chapter 467D shall coordinate their efforts in carrying out the purposes of this chapter and chapter 467D. In addition to other powers and duties conferred by law, the department shall:

1. Offer advice and assistance as appropriate to the boards of the several conservancy districts in the state in discharging their powers and duties.

2. Review and make recommendations as necessary to bring the plan of each of the conservancy districts, and any subsequent changes in the plan, into conformity with the statewide water resources plan established by the commission pursuant to section 17 of this Act.

3. Inform the board of any conservancy district of any of the following:

a. The receipt of each application for a permit to divert, store, or withdraw either surface or underground waters at any place within the district, filed with the executive director pursuant to this part.

b. The receipt of each application for approval of a proposed dam, obstruction, deposit, or excavation in or on any floodway or flood plain in the district, filed with the executive director pursuant to section 29 of this Act.

c. Any proposed order which would establish encroachment limits and zoning regulations on any flood plain in the district, filed with the executive director pursuant to section 30 of this Act.

d. The receipt of each application for approval of a proposed flood control structure or works, filed with the executive director pursuant to section 31 of this Act.

Sec. 35. Section 68B.2, subsection 4, Code 1981, is amended to read as follows:

4. "Regulatory agency" means department of agriculture, industrial commissioner, bureau of labor, occupational safety and health review commission, department of job service, department of banking, insurance department of Iowa, state department of health, department of public safety, department of public instruction, state board of regents, department of social services, department of revenue, Iowa state commerce commission, Iowa beer and liquor control department, board of pharmacy examiners, state conservation commission, state

department of transportation, Iowa state civil rights commission, department of soil conservation, department of public defense, and department of [environmental quality and Iowa natural resources council] *water, air and waste management*.

Sec. 36. Section 83A.3, subsection 5, Code 1981, is amended to read as follows:

5. One member representing the [Iowa natural resources council] *department of water, air and waste management*.

Sec. 37. Section 84.2, subsections 11, 12, 14, and 16, Code 1981, are amended to read as follows:

11. "Illegal oil" means oil which has been produced from any well within the state in excess of the quantity permitted by any rule or order of the [council] *department*.

12. "Illegal gas" means gas which has been produced from any well within this state in excess of the quantity permitted by any rule or order of the [council] *department*.

14. "Certificate of clearance" means a permit prescribed by the [council] *department* for the transportation or the delivery of oil or gas or product and issued or registered in accordance with the rule or order requiring [such] *the* permit.

16. ["Council"] "*Department*" means [Iowa natural resources council as defined in chapter 455A] *the department of soil conservation*.

Sec. 38. Section 84.2, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Committee" means the state soil conservation committee.

Sec. 39. Section 84.4, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 41, section 3, is amended to read as follows:

The [council] *department* has the duty of administering this chapter. The state geologist shall act as administrator with the duty of enforcing the regulations and orders of the [council] *department* applicable to the crude petroleum oil and natural gas and metallic mineral resources of this state and the provisions of this chapter. The [council] *department* has the duty to make investigations it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action. The [council] *department* acting through the office of the state geologist has the authority:

Sec. 40. Section 84.4, subsection 1, paragraphs d, e, and i, Code 1981, are amended to read as follows:

d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with [the provisions of] this chapter, and the

rules of the [council] *committee* prescribed to govern the production of oil and gas on state and private lands within the state of Iowa;

e. That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured by [such] *the* means and upon [such] standards [as may be] prescribed by the [council] *committee*;

i. That every person who produces, sells, purchases, acquires, stores, transports, refines, or processes native and indigenous Iowa produced crude oil or gas in this state shall keep and maintain within this state complete and accurate records of the quantities [thereof] *of oil or gas*, which records shall be available for examination by the [council or its agents] *department* at all reasonable times, and that every such person file with the [council such] *department* the reports [as] it may prescribe with respect to [such] *the* oil or gas or the products [thereof] *of the oil or gas*.

Sec. 41. Section 84.5, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 41, section 4, is amended to read as follows:

84.5 DRILLING PERMIT REQUIRED. It is unlawful to commence operations for the drilling of a well for oil or gas or the production of metallic minerals or to commence operations to deepen any well to a different geological formation without first giving the state geologist notice of intention to drill, and without first obtaining a permit from the state geologist, under rules prescribed by the [council] *committee* and paying to the [council] *department* a fee [of fifty dollars] *established by rule of the department* for the well. The fee shall be [used by the council for administering this chapter, including the payment of expenses incurred in publishing legal notice] *deposited in the general fund of the state*.

Sec. 42. Section 84.6, Code 1981, is amended to read as follows:

84.6 [COUNCIL] DEPARTMENT SHALL DETERMINE MARKET DEMAND AND REGULATE THE AMOUNT OF PRODUCTION. The [council] *department* shall determine market demand for each marketing district and regulate the amount of production as follows:

1. The [council] *department* shall limit the production of oil and gas within each marketing district to that amount which can be produced without waste, and which does not exceed the reasonable market demand.

2. [Whenever] *When* the [council] *department* limits the total amount of oil or gas which may be produced in the state or a marketing district, the [council] *department* shall allocate or distribute the allowable production among the pools [therein] *in the district* on a reasonable basis, giving, where reasonable under the circumstances to each pool with small wells of settled production, an allowable production which prevents the general premature abandonment of [such] *the* wells in the pool.

3. [Whenever] *When* the [council] *department* limits the total amount of oil or gas which may be produced in any pool in this state to an amount less than that amount which the pool could produce if no restriction were imposed, which limitation is

imposed either incidental to, or without, a limitation of the total amount of oil or gas produced in the marketing district wherein the pool is located, the [council] *department* shall allocate or distribute the allowable production among the [several] wells or producing properties in the pool on a reasonable basis, preventing or minimizing reasonable avoidable drainage, so that each property will have the opportunity to produce or to receive its just and equitable share, subject to the reasonable necessities for the prevention of waste.

4. In allocating the market demand for gas [as] between pools within marketing districts, the [council] *department* shall give due regard to the fact that gas produced from oil pools is to be regulated in a manner [as] *which* will protect the reasonable use of its energy for oil production.

5. The [council shall] *department* is not [be] required to determine the reasonable market demand applicable to any single pool, except in relation to all other pools within the same marketing district, and in relation to the demand applicable to the marketing district. In allocating allowables to pools, the [council] *department* may consider, but [shall] is not [be] bound by nominations of purchasers to purchase from particular fields, pools, or portions thereof. The [council] *department* shall allocate the total allowable for the state in [such] a manner [as] *which* prevents undue discrimination between marketing districts, fields, pools, or portions thereof resulting from selective buying or nomination by purchasers.

Sec. 43. Section 84.7, unnumbered paragraph 1 and subsections 1 and 4, Code 1981, are amended to read as follows:

The [council] *department* shall set spacing units as follows:

1. When necessary to prevent waste, to avoid the drilling of unnecessary wells, or to protect correlative rights, the [council] *department* shall establish spacing units for a pool. Spacing units when established shall be of uniform size and shape for the entire pool, except that when found to be necessary for any of the purposes above mentioned, the [council is authorized to] *department may* divide any pool into zones and establish spacing units for each zone, which units may differ in size and shape from those established in any other zone.

4. An order establishing units for a pool shall cover all lands determined or believed to be underlaid by [such] *the* pool, and may be modified by the state geologist from time to time to include additional areas determined to be underlaid by [such] *the* pool. When found necessary for the prevention of waste, or to avoid the drilling of unnecessary wells or to protect correlative rights, an order establishing spacing units in a pool may be modified by the state geologist to increase the size of spacing units in the pool or any zone [thereof] *of the* pool, or to permit the drilling of additional wells on a reasonable uniform plan in the pool, or any zone [thereof] *of the* pool. Orders of the state geologist may be appealed to the [council] *department* within thirty days.

Sec. 44. Section 84.8, Code 1981, is amended to read as follows:

84.8 INTEGRATION OF FRACTIONAL TRACTS.

1. When two or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of the spacing unit, then the owners and royalty owners [thereof] *of the tracts* may pool their interests for the development and operation of the spacing unit. In the absence of voluntary pooling the [council] *department* upon the application of any interested person, shall enter an order pooling all interests in the spacing unit for the development and operations [thereof] *of the unit*. Each [such] pooling order shall be made after notice and hearing, and shall be upon terms and conditions that are just and reasonable, and that afford to the owner of each tract or interest in the spacing unit the opportunity to recover or receive, without unnecessary expense, [his] *a just and equitable share*. Operations incident to the drilling of a well upon any portion of a spacing unit covered by a pooling order shall be deemed for all purposes[,] *to be the conduct of [such] the operations* upon each separately owned tract in the drilling unit by the several owners [thereof] *of the unit*. That portion of the production allocated to each tract included in a spacing unit covered by a pooling order shall, when produced, be deemed for all purposes to have been produced from [such] *the tract* by a well drilled [thereon] *on it*.

2. Each [such] pooling order shall make provision for the drilling and operation of a well on the spacing unit, and for the payment of the reasonable actual cost [thereof] *of the well* by the owners of interests in the spacing unit, plus a reasonable charge for supervision. In the event of any dispute as to such costs the [council] *department* shall determine the proper costs. If [one or more of the owners] *an owner* shall drill and operate, or pay the expenses of drilling and operating the well for the benefit of others, then, the owner [or owners] so drilling or operating shall, upon complying with the terms of section 84.10, have a lien on the share of production from the spacing unit accruing to the interest of each of the other owners for the payment of [his] *a proportionate share of [such] the expenses*. All the oil and gas subject to the lien shall be marketed and sold and the proceeds applied in payment of the expenses secured by [such] *the lien* as provided for in section 84.10.

Sec. 45. Section 84.9, Code 1981, is amended to read as follows:

84.9 VOLUNTARY AGREEMENTS FOR UNIT OPERATION VALID. An agreement for the unit or co-operative development and operation of a field or pool, in connection with the conduct of a repressuring or pressure maintenance operations, cycling or recycling operations, including the extraction and separation of liquid hydrocarbons from natural gas [in connection therewith], or any other method of operation, including water floods, [is authorized and may] be performed [and shall not be held or construed to violate] *without being in violation of* any of the statutes of this state relating to trusts, monopolies, or contracts and combinations in restraint of trade, if the agreement is approved by the [council] *department* as being in the public interest, protective of correlative rights, and reasonably necessary to increase ultimate recovery or to prevent waste of oil or gas. [Such] *The agreements* bind only the persons who execute them, and their heirs, successors, assigns, and legal representatives.

Sec. 46. Section 84.11, Code 1981, is amended to read as follows:

84.11 RULES COVERING PRACTICE BEFORE [COUNCIL] DEPARTMENT.

1. The [council] *committee* shall prescribe rules governing the practice and procedure before it.

2. [No] *An order*[,] or amendment [thereof] *of an order*, except in an emergency, shall not be made by the [council] *department* without a public hearing upon at least ten days' notice. The public hearing shall be held at [such] *the time and place* [as may be] prescribed by the [council] *committee*, and any interested person [shall be] *is* entitled to be heard.

3. When an emergency requiring immediate action is found to exist the [council is authorized to] *department may* issue an emergency order without notice of hearing, which shall be effective upon promulgation. [No] *An* emergency order shall not remain effective for more than fifteen days.

4. Any notice required by this chapter shall be given at the election of the [council] *department* either by personal service or by letter to the last recorded address and one publication in a newspaper of general circulation in the state capital city and in a newspaper of general circulation in the county where the land affected[,] or some part [thereof], *of the land* is situated. The notice shall issue in the name of the state, shall be signed by the state geologist, shall specify the style and number of the proceeding, the time and place of the hearing, and shall briefly state the purpose of the proceeding. Should the [council] *department* elect to give notice by personal service, [such] *the* service may be made by any officer authorized to serve process, or by any agent of the [council] *department*, in the same manner as is provided by law for the service of original notices in civil actions in the district court of the state. Proof of the service by such agent shall be by the affidavit of the person making personal service.

5. All orders issued by the [council] *department* shall be in writing, shall be entered in full and indexed in books to be kept by the state geologist for that purpose, and shall be public records open for inspection at all times during reasonable office hours. A copy of any rule or order certified by the state geologist or any officer of the [council] *department* shall be received in evidence in all courts of this state with the same effect as the original.

6. The [council] *department* may act upon its own motion, or upon the petition of any interested person. On the filing of a petition concerning any matter within the jurisdiction of the [council] *department*, the [council] *department* shall promptly fix a date for a hearing [thereon,] and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the petition. The [council] *department* shall enter its order within thirty days after the hearing.

Sec. 47. Section 84.12, Code 1981, is amended to read as follows:

84.12 SUMMONING WITNESSES, ADMINISTERING OATHS, REQUIRING PRODUCTION OF RECORDS—HEARING EXAMINERS APPOINTED.

1. The [council shall have the power to] *department may* summon witnesses, administer oaths, and require the production of records, books, and documents for examination at any hearing or investigation conducted. [No] A person shall not be excused from attending and testifying, or from producing books, papers, and records before the [council] *department* or a court, or from obedience to the subpoena of the [council] *department* or a court, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of [him] *the person* may tend to incriminate [him] *the person* or subject [him] *the person* to a penalty or forfeiture; provided, that nothing herein contained shall be construed as requiring any]. *However this subsection does not require* a person to produce any books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before [such council] *the department* or court for determination. [No] A natural person [shall be subjected] *is not subject* to criminal prosecution or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in spite of [his] objections, [he] *the person* may be required to testify or produce as evidence, documentary or otherwise, before the [council] *department* or court, or in obedience to subpoena; provided, that no]. *However, a person testifying shall not be exempted from prosecution and punishment for perjury committed in so testifying.*

2. In case of failure or refusal on the part of any person to comply with the subpoena issued by the [council] *department*, or in case of the refusal of any witness to testify as to any matter regarding which [he] *the witness* may be interrogated, any court in the state, upon the application of the [council] *department*, may issue an attachment for [such] *the person* and compel [him] *the person* to comply with [such] *the subpoena*, and to attend before the [council] *department* and produce [such] *the records, books, and documents*[,] for examination, and to give [his] testimony. [Such] *The courts* [shall have the power to] *may* punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify [therein].

3. The [council] *department* may appoint a hearing examiner or examiners to conduct hearings required by this chapter. When [so] appointed, [such] *the hearing examiner* [or examiners shall have and] *may* exercise all of the powers delegated to the [council] *department* by this section.

Sec. 48. Section 84.14, subsection 1, Code 1981, is amended to read as follows:

1. Judicial review of *an* action of the [council] *department* may be sought in accordance with the terms of [the Iowa administrative procedure Act] *chapter 17A*. Notwithstanding [the terms of the Iowa administrative procedure Act] *that chapter*, petitions for judicial review may be filed in the district court of Polk county or in the district court of any county in which the property affected or some portion [thereof] *of the property* is located.

Sec. 49. Section 84.14, subsections 2 and 3, Code 1981, are amended by striking the subsections.

Sec. 50. Section 84.15, subsections 1 and 2, Code 1981, are amended to read as follows:

1. The sale, purchase, acquisition, transportation, refining, processing, or handling of illegal oil, illegal gas, or illegal product is [hereby] prohibited. However, [no] a penalty by way of fine shall *not* be imposed upon a person who sells, purchases, acquires, transports, refines, processes, or handles illegal oil, illegal gas, or illegal product unless:

a. [Such] *The* person knows, or is put on notice, of facts indicating that illegal oil, illegal gas, or illegal product is involved[, or].

b. [Such] *The* person fails to obtain a certificate of clearance with respect to [such] *the* oil, gas, or product where prescribed by order of the [council] *department*, or fails to follow any other method prescribed by an order of the [council] *department* for the identification of [such] *the* oil, gas or product.

2. Illegal oil, illegal gas, and illegal product are declared to be contraband and are subject to seizure and sale [as herein provided]; seizure and sale to be in addition to any [and all] other remedies and penalties provided in this chapter for violations relating to illegal oil, illegal gas, or illegal product. [Whenever] *When* the [council] *department* believes that any oil, gas or product is illegal, the [council] *department* acting by the attorney general, shall bring a civil action in rem in the district court of the county where [such] *the* oil, gas, or product is found, to seize and sell the same, or the [council] *department* may include [such] an action in rem for the seizure and sale of illegal oil, illegal gas, or illegal product in any suit brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. Any person claiming an interest in oil, gas, or product affected by [any such] *the* action [shall have the right to] *may* intervene as an interested party in [such] *the* action.

Sec. 51. Section 84.16, Code 1981, is amended to read as follows:

84.16 PENALTIES.

1. Any person who violates any provision of this chapter, or any rule or order of the [council] *department* where no other penalty is provided [shall be] *is* guilty of a simple misdemeanor.

2. If any person, for the purpose of evading this chapter, or any rule or order of the [council] *department*, [shall make] *makes* or [cause] *causes* to be made any false entry or statement in a report required by this chapter or by any [such] rule or order, or [shall make] *makes* or [cause] *causes* to be made any false entry in any record, account, or memorandum required by this chapter, or by any [such] rule or order, or [shall omit] *omits*, or [cause] *causes* to be omitted, from any [such] record, account, or memorandum, full, true, and correct entries as required by this chapter, or by any [such] rule or order, or [shall remove] *removes* from this state or [destroy, mutilate, alter] *destroys, mutilates, alters*, or [falsify] *falsifies* any such record, account, or memorandum, [such] *the* person [shall be] *is* guilty of a fraudulent practice.

3. Any person knowingly aiding or abetting any other person in the violation of any provision of this chapter, or any rule or order of the [council shall be] *department is* subject to the same penalty as that prescribed by this chapter for the violation by [such] *the* other person.

Sec. 52. Section 84.17, Code 1981, is amended to read as follows:

84.17 ACTION TO RESTRAIN VIOLATION OR THREATENED VIOLATION.

1. [Whenever] *If* it appears that any person is violating or threatening to violate any provision of this chapter, or any rule or order of the [council] *department*, the [council] *department* shall bring suit against [such] *the* person in the district court of any county where the violation occurs or is threatened, to restrain [such] *the* person from continuing [such] *the* violation or from carrying out the threat of violation. In [any such] *the* suit, the court [shall have] *has* jurisdiction to grant to the [council] *department*, without bond or other undertaking, [such] *the* prohibitory and mandatory injunctions as the facts may warrant, including temporary restraining orders, preliminary injunctions, temporary, preliminary, or final orders restraining the movement or disposition of any illegal oil, illegal gas, or illegal product, any of which the court may order to be impounded or placed in the custody of an agent appointed by the court.

2. If the [council shall fail] *department fails* to bring suit to enjoin a violation or threatened violation of any provision of this chapter, or any rule or order of the [council] *department*, within ten days after receipt of written request to do so by any person who is or will be adversely affected by [such] *the* violation, the person making [such] *the* request may bring suit in [his] *the person's* own behalf to restrain [such] *the* violation or threatened violation in any court in which the [council] *department* might have brought suit. The [council] *department* shall be made a party defendant in [such] *the* suit in addition to the person violating or threatening to violate a provision of this chapter, or a rule or order of the [council] *department*, and the action shall proceed and injunctive relief may be granted to the [council] *department* or the petitioner without bond in the same manner as if suit had been brought by the [council] *department*.

Sec. 53. Section 108.7, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Any action taken by the commission under [the provisions of] this section [shall be] *is* subject to the approval of the [Iowa natural resources council] *department of water, air and waste management*.

Sec. 54. Section 109.15, Code 1981, is amended to read as follows:

109.15 INJURY TO DAM. It [shall be] *is* unlawful for any owner or [his] *the owner's* agent to remove or destroy any existing dam, or alter it in a way so as to lower the water level, without having received written approval from the [Iowa natural resources council] *department of water, air and waste management*.

Sec. 55. Section 111.4, unnumbered paragraph 1, Code 1981, is amended to read as follows:

[No] A person, association or corporation shall *not* build or erect any pier, wharf, sluice, piling, wall, fence, obstruction, building or erection of any kind upon or over any state-owned land or water under the jurisdiction of the commission, without first obtaining from [such] *the* commission a written permit[, provided, however, that]. *However*, this provision [shall] *does not* apply to dams constructed and operated under [the authority of] chapter 469. [No such] A permit, in matters relating to or in any manner affecting flood control, shall *not* be issued without approval of the [Iowa natural resources council] *department of water, air and waste management*. [No] A person shall *not* maintain or erect any structure beyond the line of private ownership along or upon the shores of state-owned waters in [such] a manner [as] to obstruct the passage of pedestrians along the shore between the ordinary high-water mark and the water's edge, except by permission of the commission.

Sec. 56. Section 111.18, Code 1981, is amended to read as follows:

111.18 JURISDICTION. Jurisdiction over all meandered streams and lakes of this state and of state lands bordering thereon, not now used by some other state body for state purposes, is conferred upon the commission. The exercise of this jurisdiction [shall be] *is* subject to the approval of the [Iowa natural resources council] *department of water, air and waste management* in matters relating to or in any manner affecting flood control. The commission, with the approval of the executive council, may establish parts of [such] *the* property into state parks, and when so established all of the provisions of this chapter relative to public parks [shall] apply [thereto] *to the property*.

Sec. 57. Section 111.62, Code 1981, is amended to read as follows:

111.62 COPY TO [RESOURCES COUNCIL] *DEPARTMENT*. A copy of the petition and [such] *the* applications, plans, and specifications [as are] required under [the provisions of] chapter 455A shall be filed with the [Iowa natural resources council] *department of water, air and waste management* and any approval or permit required [thereunder] *under chapter 455A* shall be obtained prior to the establishment of [said] *the* water recreational area or the granting of a permit [therefor] *for the area* by the state conservation commission.

Sec. 58. Section 111D.1, Code 1981, is amended to read as follows:

111D.1 ACQUISITION BY OTHER THAN CONDEMNATION. The state conservation commission, the [Iowa natural resources council] *department of water, air and waste management*, any county conservation board, and any city or agency [thereof] *of a city* may acquire by purchase, gift, contract, or other voluntary means, but not by eminent domain, conservation easements in land to preserve scenic beauty, wildlife habitat, riparian lands, wet lands, or forests, promote outdoor recreation, or otherwise conserve for the benefit of the public the natural beauty, natural resources, and public recreation facilities of the state.

Sec. 59. Section 112.3, Code 1981, is amended to read as follows:

112.3 HEARING--DAMAGES. After [said] *the* approval the commission, if it wishes to proceed further with the project, shall, with the consent of the [Iowa natural resources council] *department of water, air and waste management*, fix a date of hearing not less than two weeks from date of approval of the plan. Notice of the day, hour and place of hearing, relative to proposed work, shall be provided by publication at least once a week for two consecutive weeks in some newspaper of general circulation published in the county where the project is located, or in the [county or] counties where the water elevations are affected, under the tentative plan approved. The last [of such] publication [or publications] shall not be less than five days prior to the day set for hearing. Any claim by any persons [whomsoever,] for damages which may be caused by [said] *the* project shall be filed with the commission at or prior to the time of the hearing [provided herein].

Sec. 60. WATER INFORMATION SYSTEM. By January 15, 1983, the state geologist shall prepare and submit to the general assembly a plan for a comprehensive water information system to be managed by the state geological survey for monitoring on a continuing basis the quantity and quality of water resources in this state. In preparing this plan, the state geologist may request the assistance of the Iowa department of transportation, department of environmental quality, Iowa natural resources council, department of health, state conservation commission, and department of agriculture.

Sec. 61. Section 308.1, Code 1981, is amended to read as follows:

308.1 PLANNING COMMISSION. The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1, 1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows: One member from the state transportation commission, one member from the state conservation commission, one member from the Iowa state soil conservation commission, one member from the state historical society of Iowa, one member from the faculty of the landscape architectural division of the Iowa [State University] *state university* of science and technology, one member from the Iowa development commission, and one member from the [natural resources council] *department of water, air and waste management*. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for [such] *that* purpose.

Sec. 62. Section 357A.1, subsection 7, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

7. "Department" means the department of water, air and waste management.

Sec. 63. Section 357A.5, Code 1981, is amended to read as follows:

357A.5 WHO MAY BE HEARD. At the hearing on the petition, any owner or occupant of land within the boundaries of the area described in the petition may appear, in person or by [his] a designated representative, and any representative of the [council] department may also appear, in favor of or in opposition to the incorporation and organization of the proposed district. [Such] The appearances may also be filed in writing prior to the time set for the hearing.

Sec. 64. Section 357A.12, Code 1981, is amended to read as follows:

357A.12 PLANS AND SPECIFICATIONS. As soon as reasonably possible after incorporation of a district, the board shall file with the supervisors and the [council] department copies of the plans and specifications for, and estimates of the cost of, any improvements authorized by this chapter which the board proposes to construct or acquire. The board shall determine a reasonable fee which each member shall pay for the privilege of utilizing the district's facilities which shall be known as a benefit unit. Benefit units may be classified. The board, by publication in a newspaper of general circulation in the district, shall generally describe the planned improvements, the area to be served and the fee members will be required to pay for each service connected to the water system.

Sec. 65. Section 357A.19, Code 1981, is amended to read as follows:

357A.19 NOT EXEMPT FROM OTHER REQUIREMENTS. [Nothing in this] This chapter [shall be construed to] does not exempt any district from the requirements of any other statute, whether enacted prior to or subsequent to July 1, 1970, under which the district is required to obtain the permission or approval of, or to notify, the [council] department, the Iowa commerce commission, or any other agency of this state or of any of its political subdivisions prior to proceeding with construction, acquisition, operation, enlargement, extension, or alteration of any works or facilities which the district is authorized to undertake pursuant to this chapter.

Sec. 66. Section 358.9, unnumbered paragraph 3, Code 1981, is amended to read as follows:

In cases where the state of Iowa owns at least four hundred acres of land contiguous to lakes within [said] the district, [then and only then the Iowa natural resources council] the state conservation commission shall appoint two members of [said] the board of trustees in addition to the three members [hereinbefore] provided in this section. The additional two members shall be [qualified as follows: They shall be] United States citizens, not less than eighteen years of age, and [shall be] property owners within [said] the district. [In such cases the] The two additional appointive members shall have equal vote and authority with other members of trustees and shall hold office at the pleasure of the [Iowa natural resources council] state conservation commission.

Sec. 67. Section 358A.24, Code 1981, is amended to read as follows:

358A.24 CONFLICT WITH OTHER REGULATIONS. [Wherever] If the

regulations made under [authority of] this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the [provisions of the] regulations made under [authority of] this chapter [shall] govern. [Wherever the provisions of] *If any other statute or local ordinance or regulation [require] requires a greater width or size of yards, courts or other open spaces, or [require] requires a lower height of building or a less number of stories, or [require] a greater percentage of lot to be left unoccupied, or [impose] imposes other higher standards than are required by the regulations made under [authority of] this chapter, the [provisions of such] other statute or local ordinance or regulation [shall govern] governs.* [Wherever any] *If a regulation proposed or made under [authority of] this chapter relates to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the [Iowa natural resources council shall be] department of water, air and waste management is required to establish, amend, supplement, change, or modify [such] the regulation or to grant any variation or exception [therefrom] from the regulation.*

Sec. 68. Section 414.21, Code 1981, is amended to read as follows:

414.21 CONFLICTING RULES, ORDINANCES, AND STATUTES. [Wherever] *If the regulations made under [authority of] this chapter require a greater width or size of yards, courts or other open spaces, or [require] a lower height of building or less number of stories, or [require] a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the [provisions of the] regulations made under [authority of] this chapter [shall] govern. [Wherever the provisions of] If any other statute or local ordinance or regulation [require] requires a greater width or size of yards, courts or other open spaces, or [require] a lower height of building or a less number of stories, or [require] a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under [authority of] this chapter, the [provisions of such] other statute or local ordinance or regulation [shall govern] governs.* [Wherever any] *If a regulation proposed or made under [authority of] this chapter relates to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the [Iowa natural resources council shall be] department of water, air and waste management is required to establish, amend, supplement, change or modify [such] the regulation or to grant any variation or exception [therefrom] from the regulation.*

Sec. 69. Section 427.1, subsection 33, Code 1981, is amended to read as follows:

33. IMPOUNDMENT STRUCTURES. The impoundment structure and any land underlying an impoundment located outside any incorporated city, which are not developed or used directly or indirectly for nonagricultural income-producing purposes and which are maintained in a condition satisfactory to the soil conservation district commissioners of the county in which the impoundment structure and the impoundment are located. Any person owning land which qualifies for a property tax exemption under this subsection shall apply to the county assessor each year before the first of July for the exemption. The application shall be

made on forms prescribed by the department of revenue. The first application shall be accompanied by a copy of the water storage permit approved by the [water commissioner of the Iowa natural resources council] *department of water, air and waste management* and a copy of the plan for the construction of the impoundment structure and the impoundment. The construction plan shall be used to determine the total acre-feet of the impoundment and the amount of land which is eligible for the property tax exemption status. The county assessor shall annually review each application for the property tax exemption under this subsection and submit it, with the recommendation of the soil conservation district commissioners, to the board of supervisors for approval or denial. Any applicant for a property tax exemption under this subsection may appeal the decision of the board of supervisors to the district court. As used in this subsection, "impoundment" means any reservoir or pond which has a storage capacity of at least eighteen acre-feet of water or sediment at the time of construction; "storage capacity" means the total area below the crest elevation of the principal spillway including the volume of any excavation in such area; and "impoundment structure" means any dam, earthfill or other structure used to create an impoundment.

Sec. 70. Section 455.18, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Where the proposed district contemplates as its object flood control or soil conservation the engineer shall include in [his] *the report data describing any soil conservation or flood control improvements, the nature [thereof] of the improvements, and [such] other [additional] data as [shall be] prescribed by the [Iowa natural resources council] department of water, air and waste management.*

Sec. 71. Section 455C.1, subsections 7, 8, and 9, Code 1981, are amended to read as follows:

7. "Director" means the executive director of the department of [environmental quality] *water, air and waste management.*

8. "Department" means the department of [environmental quality] *water, air and waste management.*

9. "Commission" means the [environmental quality] *water, air and waste management* commission of the department of [environmental quality] *water, air and waste management.*

Sec. 72. Section 467A.3, subsection 15, Code 1981, is amended by striking the subsection.

Sec. 73. Section 467A.4, subsections 1 and 3, Code 1981, are amended to read as follows:

1. There is [hereby] established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the department of soil conservation. The department shall be administered in accordance with the policies of the state

soil conservation committee, which shall approve administrative rules proposed by the department before the rules are [promulgated] *adopted* pursuant to chapter 17A. The state soil conservation committee shall consist of a chairperson and twelve members. The following shall serve as ex officio nonvoting members of the committee: The director of the state agricultural extension service, or the director's designee, the secretary of agriculture[,] or the secretary's designee, the director of the state conservation commission or the director's designee, and the *executive* director of the [Iowa natural resources council] *department of water, air and waste management* or the *executive* director's designee. Eight voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section 467D.3, and no more than one of whom shall be a resident of any one county. The seventh and eighth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities and one appointed to be a representative of the mining industry. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above-mentioned members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. [The director of the department of environmental quality shall be an ex officio nonvoting member]. The committee shall adopt a seal, which seal shall be judicially noticed, and may perform acts, hold public hearings, and [promulgate] *adopt* rules as provided in chapter 17A as necessary for the execution of its functions under this chapter.

3. The committee shall designate its chairperson, and may change [such] *the* designation. The members appointed by the governor shall serve for a period of six years. Members shall be appointed in each odd-numbered year to succeed members whose terms expire as provided by section 69.19. Appointments may be made at other times and for other periods as [are] necessary to fill vacancies on the committee. Members shall not be appointed to serve more than two complete six-year terms. Members designated to represent the secretary of agriculture, director of the state conservation commission, or the *executive* director of the [Iowa natural resources council] *department of water, air and waste management* shall serve at the pleasure of the officer making the designation. A majority of the voting members of the committee constitutes a quorum, and the concurrence of a majority of the voting members of the committee in any matter within their duties [shall be] *is* required for its determination. The chairperson and members of the committee, not otherwise in the employ of the state, or any political subdivision, shall receive forty dollars per diem as compensation for their services in the discharge of their duties as members of the committee. The committee shall determine the number of days for which any committee member may draw per diem compensation, but the total number of days for which per diem compensation is allowed for the entire committee shall not exceed four hundred days per year. They [shall] *are* also [be] entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of the committee. The per diem and expenses paid to the committee members shall be paid from funds appropriated to the committee. The committee shall provide for the execution of surety bonds for all employees and officers who

[shall be] *are* entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements.

Sec. 74. Section 467A.4, subsection 4, paragraph n, subparagraph (5), Code 1981, is amended by striking the subparagraph.

Sec. 75. Section 467C.5, Code 1981, is amended to read as follows:

467C.5 APPROVAL OF COMMISSIONERS. [No] A district shall *not* be established by any board of supervisors under this chapter unless the organization of [such] *the* district is approved by the commissioners of any soil conservation district established under the provisions of chapter 467A and which is included all or in part within [such] *the* district, nor shall any such district be established without the approval of the state conservation commission and the [Iowa natural resources council] *department of water, air and waste management*.

Sec. 76. Section 467D.2, subsection 3, Code 1981, is amended by striking the subsection.

Sec. 77. Section 467D.6, subsections 1 and 11, Code 1981, are amended to read as follows:

1. Exercise [such] supervision over the water resources of the conservancy district, including water in any basin, watercourse, or other body of water in the conservancy district, and have authority to [promulgate] *adopt* and repeal, with approval of the department, and enforce [such] rules, except those rules relating to water resources under the authority of [the council and] the department of environmental quality, as necessary to achieve the objectives of this chapter as set forth in section 467D.1.

11. Maintain at its office a record of all the conservancy district's proceedings, rules and orders, and furnish copies [thereof] *of them* to the department and the [council] *department of water, air and waste management* upon request.

Sec. 78. Section 467D.16, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The board shall prepare a plan for accomplishment of the objectives of this chapter within the conservancy district. For this purpose the board may request and shall obtain from any state agency or political subdivision information which the agency or subdivision may have already collected which is pertinent to preparation of the plan, and may conduct [such] hearings [as] it deems necessary. The plan shall establish an order of priorities for carrying out projects necessary to accomplish the objectives of this chapter, shall conform as nearly as practicable to the comprehensive state-wide water resources plan established by the [council] *department of water, air and waste management* pursuant to section [455A.17] *17 of this Act* and shall reflect the following general policies:

Sec. 79. Section 467D.17, Code 1981, is amended to read as follows:

467D.17 PLAN PRESENTED TO DEPARTMENT AND COUNCIL. The board shall tentatively adopt the plan by resolution and shall present the plan to the department and the [council] *department of water, air and waste management* for review. The [council] *department of water, air and waste management* shall within ninety days review the plan as presented and make [such] recommendations [as] *which*, in its discretion, it deems necessary to bring the conservancy district's plan into conformity with the comprehensive state-wide water resources plan established by the [council] *department of water, air and waste management* pursuant to section [455A.17] *17 of this Act*. The department shall review the plan as presented and, with such amendments [as are] necessary to bring the plan into conformity with the state-wide water resources plan, give final approval within one hundred twenty days.

Sec. 80. Section 467D.19, Code 1981, is amended to read as follows:

467D.19 IMPLEMENTATION. After final approval of the plan, the board shall begin to implement the plan as expeditiously as possible, within the limitations of available appropriations and other financial resources. When implementation of the plan involves construction or improvement of any internal improvement by the conservancy district, the board may order the preparation of detailed plans and specifications, and a refined cost estimate. Upon completion of [such] *the* plans, specifications and cost estimate to [their] *its* satisfaction, the board shall adopt [the same] *them*, subject to the approval of the department, and shall let [the contract or] contracts [therefor] in accordance with section 467D.20. Any approval or permits from the [council] *department of water, air and waste management* required under other [provisions of] law shall be obtained by the conservancy district prior to initiation of any construction activity.

Sec. 81. Section 469.1, Code 1981, is amended to read as follows:

469.1 PROHIBITION-PERMIT. [No] A dam shall *not* be constructed, maintained, or operated in this state in any navigable or meandered stream for any purpose, or in any other stream for manufacturing or power purposes, nor shall any water be taken from [such] *the* streams for industrial purposes, unless a permit has been granted by the [Iowa natural resources council] *department of water, air and waste management* to the person, firm, corporation, or municipality constructing, maintaining, or operating the [same] *dam*.

Sec. 82. Section 469.2, unnumbered paragraph 1 and subsection 6, Code 1981, are amended to read as follows:

Any person, firm, corporation, or municipality making application for a permit to construct, maintain, or operate a dam in any of the waters, including canals, raceways, and other constructions necessary or useful in connection with the development and utilization of the water or water power, shall file with the [Iowa natural resources council] *department of water, air and waste management* a written application, which shall contain the following information:

6. [Such] *Any* additional information [as may be] required by the [Iowa natural resources council] *department of water, air and waste management*.

Sec. 83. Section 469.3, Code 1981, is amended to read as follows:

469.3 NOTICE OF HEARING. When [any] *an* application for a permit to construct, maintain, or operate a dam [from and] after the passage of this chapter is received, the [Iowa natural resources council] *department of water, air and waste management* shall fix a time for hearing, and it shall give notice of the time and place of [such] *the* hearing by publication once each week for two successive weeks in at least one newspaper in each county in which riparian lands will be affected by the dam.

Sec. 84. Section 469.4, Code 1981, is amended to read as follows:

469.4 HEARING. At the time fixed for [such] *the* hearing or at any adjournment [thereof] *of the hearing*, the [council] *department of water, air and waste management* shall take evidence offered by the applicant and any other person, either in support of or in opposition to the proposed construction.

Sec. 85. Section 469.5, Code 1981, is amended to read as follows:

469.5 WHEN PERMIT GRANTED. If it [shall appear] *appears* to the [council] *department of water, air and waste management* that the construction, operation, or maintenance of the dam will not materially obstruct existing navigation, [or] materially affect other public rights, [will not] *or* endanger life or public health, and any water taken from the stream in connection with the project, excepting water taken by a municipality for distribution in its water mains, is returned [thereto] *to the stream* at the nearest practicable place without being materially diminished in quantity [or], polluted or rendered deleterious to fish life, it shall grant the permit, upon [such] *the* terms and conditions as it may prescribe.

Sec. 86. Section 469.9, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Every person, firm, or corporation, [excepting] *except* a municipality, to whom a permit is granted to construct or to maintain and operate a dam already constructed in or across any stream for the purpose [herein] specified *in this chapter*, shall pay to the [Iowa natural resources council] *department of water, air and waste management* a permit fee of one hundred dollars and shall pay an annual inspection and license fee, to be fixed by the [Iowa natural resources council] *water, air and waste management* commission, on or before the first day of January, 1925, and annually thereafter, but in no case shall the annual inspection and license fee be less than twenty-five dollars. All fees shall be paid into the general fund of the state treasury.

Sec. 87. Section 469.10, Code 1981, is amended to read as follows:

469.10 CONSTRUCTION AND OPERATION. The [Iowa natural resources council] *department of water, air and waste management* shall investigate methods of

construction, reconstruction, operation, maintenance, and equipment of dams[, so as] to determine the best methods to conserve and protect as far as possible all public and riparian rights in the waters of the state and [so as] to protect the life, health, and property of the general public; and the method of construction, operation, maintenance, and equipment of [any and] all dams of any character or for any purpose in [such] *the waters* [shall be] *is* subject to the approval of the [Iowa natural resources council] *department of water, air and waste management*.

Sec. 88. Section 469.11, Code 1981, is amended to read as follows:

469.11 ACCESS TO WORKS. [Such council or any member, agent, or employee thereof] *The department of water, air and waste management* shall at all times be accorded full access to all parts of any dam and its appurtenances being constructed, operated, or maintained in such waters.

Sec. 89. Section 469.12, Code 1981, is amended to read as follows:

469.12 DUTY TO ENFORCE STATUTES. [It shall be the duty of the council to] *The department of water, air and waste management shall* require that all existing statutes of the state, including [the provisions of] this chapter, with reference to the construction of dams, [shall be] *are* enforced.

Sec. 90. Section 469.26, Code 1981, is amended to read as follows:

469.26 REVOCATION OR FORFEITURE OF PERMIT. If the person to whom a permit is issued under [the provisions of] this chapter does not begin the construction or the improvement of the dam or raceway within one year from the date of the granting of the permit, [his] *the* permit may be revoked by the [Iowa natural resources council] *department of water, air and waste management*, and if any permit holder does not finish and have in operation the plant for which the dam is constructed within three years after the granting of the permit, unless for good cause shown the [council] *department* has extended the time for completion, [such] *the* permit shall be forfeited.

Sec. 91. Section 469.29, Code 1981, is amended to read as follows:

469.29 PERMITS FOR EXISTING DAMS. All licenses and permits issued by the state executive council prior to April 17, 1949, *or by the Iowa natural resources council prior to July 1, 1983, and in force immediately prior to July 1, 1983,* are [hereby declared to be] in full force and effect and all of the powers of administration relating to licenses or permits [heretofore] issued are [hereby] vested in the [Iowa natural resources council] *department of water, air and waste management*.

Sec. 92. Sections 93.2, 93.7, 93A.4, 101.10, 107.1, 136B.2, 170.10, 170A.8, 170B.9, 172D.1, 307.10, and 427.1, Code 1981, are amended by striking the words "department of environmental quality" and inserting in lieu thereof the words "department of water, air and waste management".

Sec. 93. Sections 307.10 and 427.1, Code 1981, are amended by striking the words

“environmental quality commission” and inserting in lieu thereof the words “water, air and waste management commission”.

Sec. 94. PRIOR ACTIONS.

1. A rule adopted, permit or order issued, or approval given under chapter 108, 109, 111, 112, 357A, 358A, 414, 427, 455A, 467A, 467C, or 467D, before the effective date of this Act and in force just prior to the effective date of this Act, by the Iowa natural resources council or its director remains effective until modified or rescinded by action of the department of environmental quality or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

2. A rule adopted, permit or order issued, or approval given by the state department of health or the commissioner of public health relating to private water supply systems, private sewage disposal systems, or water wells under chapter 135, before the effective date of this Act and in force just prior to the effective date of this Act remains effective until modified or rescinded by action of the department of environmental quality or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

3. A rule adopted, permit or order issued or approval given under chapter 84 before the effective date of this Act and in force just prior to the effective date of this Act, by the Iowa natural resources council or its director remains effective until modified or rescinded by action of the department of soil conservation unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

4. A rule adopted, permit or order issued, or approval given by the environmental quality commission or the executive director of the department of environmental quality under chapter 455B before the effective date of this Act and in force just prior to the effective date of this Act remains effective until modified or rescinded by action of the water, air and waste management commission or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

Sec. 95. EMPLOYEE TRANSFER OR TERMINATION. The employees of the Iowa natural resources council employed pursuant to chapter 455A and the employees of the department of environmental quality employed pursuant to chapter 455B are transferred to the department of water, air and waste management. After transfer of the employees under this section, any employee of the department of water, air and waste management whose duty assignment is terminated because of this Act may be reassigned to other duties or terminated. The Iowa merit employment commission shall adopt rules to carry out the transfer of employees under this section and to carry out subsequent reclassifications, reassignments, or terminations made necessary by this Act. The Iowa merit employment commission shall arbitrate and decide a written appeal made by an employee concerning a transfer, reassignment, reclassification, or termination made necessary by this Act. An employee shall not lose benefits accrued, including but not limited to salary, retirement, vacation, or sick leave because of transfer or reassignment.

Sec. 96. EFFECTIVE DATE--TRANSITION.

1. The effective date of this Act is July 1, 1983, except that sections 5, 60 and 98, and this section are effective on July 1, 1982.

2. After July 1, 1982, the governor may appoint the members of the water, air and waste management commission, appoint the executive director of the department of water, air and waste management, and may authorize the water, air and waste management commission to organize and plan for the transfer of powers, duties, records, equipment, personnel, and other property as applicable. The governor may select the executive director of the department of environmental quality or the director of the Iowa natural resources council to serve as executive director of the department of water, air and waste management without reappointment or confirmation.

3. Notwithstanding section 455B.4, the initial water, air and waste management commission shall have thirteen members. The membership shall include nine members of the environmental quality commission and four members of the Iowa natural resources council. Two members of the Iowa natural resources council shall be appointed by the governor to terms of office which expire on April 30, 1985, and two members shall be appointed by the governor to terms of office which expire on April 30, 1987. Effective May 1, 1985, the commission created under this Act shall have eleven members and effective May 1, 1987, the commission created under this Act shall have nine members. Except for the number of members, section 455B.4 shall apply to the operation of the commission created under this Act.

4. The members of the environmental quality commission shall serve concurrently as members of the commission created under this Act and the environmental quality commission until July 1, 1983, when the members shall continue to serve their unexpired terms as members of the environmental quality commission as members of the commission created under this Act. The members may be reappointed as provided in this Act.

5. The members of the Iowa natural resource council appointed to the commission created under this Act shall serve concurrently as members of the commission and the Iowa natural resources council until July 1, 1983, when the terms of office of the members of the Iowa natural resource council shall expire. The four members appointed to the commission shall continue to serve the terms to which appointed as provided in subsection 3. The members may be reappointed as provided in this Act.

6. If an executive director of the department of water, air and waste management is selected or appointed before July 1, 1983, the executive director shall cooperate with the Iowa natural resources council and the department of environmental quality in preparing for an orderly transfer of powers and duties, including representing the new department in budgetary and appropriation matters. The executive director and the members of the water, air and waste management commission, appointed and authorized to exercise powers and duties before July 1, 1983, as provided in this section may be paid a salary or per diem as applicable and necessary expenses from funds appropriated to the department of environmental quality.

7. Notwithstanding section 455B.53, a director of the board of a rural water district established under chapter 357A or 504A shall not become a member of certification of waterworks and waste waterworks operators until the term of office of the first of the two members appointed to represent the general public expires.

Sec. 97. Chapter 455A and sections 84.13 and 135.20, Code 1981, are repealed.

Sec. 98. The legislative council shall create a bipartisan interim legislative oversight committee consisting of five members of the senate and five members of the house to study and make recommendations to the legislative council and the general assembly on matters related to statewide water resources planning, the development of a water resource data base, water use, flood plain management, and the organization and administration of water resource and flood plain management laws and programs in this state. The committee shall be authorized at least five meeting days and shall submit a report of its recommendations, including any necessary bill drafts to implement its recommendations, to the general assembly not later than January 15, 1983."

3. Amend the title, by striking lines 1 through 11 and inserting in lieu thereof the following: "An Act to consolidate the management and regulation of water and air resources and waste by creating a department of water, air and waste management and a water, air and waste management commission; transferring to the department of water, air and waste management and the department of soil conservation the powers and duties of the Iowa natural resources council and the department of environmental quality and the powers and duties of the state department of health relating to private water systems and water wells and private sewage disposal systems; making corresponding amendments to the Code; and providing civil penalties for violations, and an effective date."

ON THE PART OF THE HOUSE:

VICTOR STUELAND, Chair
 JAMES O. ANDERSON
 LISLE COOK

ON THE PART OF THE SENATE:

FORREST V. SCHWENGELS, Chair
 JAMES GALLAGHER
 NORMAN J. GOODWIN
 NORMAN RODGERS
 DALE L. TIEDEN

**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Sixty-ninth General Assembly
1982 Regular Session**

**BILLS APPROVED 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 1982 Regular Session:

- S.F. 256— Relating to the powers of credit unions as these relate to amendment of bylaws, reciprocity, amount to be loaned to a member, merger, and gifts to minors. Approved May 11, 1982.
- S.F. 260— Providing for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact. Approved April 30, 1982.
- S.F. 312— Providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years. Approved April 30, 1982.
- S.F. 362— Relating to the state sales, services and use tax. Approved May 3, 1982.
- S.F. 367— Relating to money received by criminals as a result of the commission of crime. Approved May 19, 1982.
- S.F. 387— Relating to raffles conducted by fairs and raffles and games other than bingo conducted by qualified organizations. Approved May 3, 1982.
- S.F. 396— Relating to the platting and recording of resurveyed or subdivided land. Approved April 30, 1982.
- S.F. 452— Relating to private fish hatcheries. Approved May 10, 1982.
- S.F. 464— Creating a criminal and juvenile justice planning agency and a criminal and juvenile justice advisory council, prescribing duties, transferring existing programs, and abolishing the Iowa Crime Commission. Approved May 21, 1982.
- S.F. 537— Abolishing the requirement for a premarital syphilis examination. Approved April 30, 1982.
- S.F. 539— Relating to workers' compensation and providing a penalty. Approved May 3, 1982.
- S.F. 549— Relating to the taxable status of property acquired in connection with the establishment, improvement, and maintenance of a public road and the collection of property taxes on the property. Approved May 3, 1982.

- S.F. 558— Requiring the county auditor to round to the nearest even whole dollar the property tax bill for each property taxpayer. Approved April 30, 1982.
- S.F. 559— Deleting the population requirement for counties to levy a tax for the operation, maintenance, and management of a health center. Approved May 3, 1982.
- S.F. 2046— Requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the Department of General Services of vacant facilities and buildings owned by the public school corporation. Approved May 14, 1982.
- S.F. 2100— Relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers. Approved April 30, 1982.
- S.F. 2146— Increasing the state cost per pupil by \$6 for the school year beginning July 1, 1982, taking effect upon publication. Approved May 17, 1982.
- S.F. 2186— Relating to the examination and appointment of deputy assessors. Approved April 30, 1982.
- S.F. 2190— Providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state. Approved April 30, 1982.
- S.F. 2191— Relating to the employment of collection agencies for the collection of delinquent taxes administered by the Department of Revenue. Approved May 11, 1982.
- S.F. 2192— Relating to prison industries. Approved April 30, 1982.
- S.F. 2193— Authorizing the payment of the salaries and expenses of bailiffs from the court expense fund. Approved May 6, 1982.
- S.F. 2195— Relating to financial transactions involving the payment of interest. Approved April 30, 1982.
- S.F. 2202— Relating to simulated controlled substances and imitation controlled substances. Approved May 7, 1982.
- S.F. 2203— Relating to appropriations contained in the acts of the Sixty-ninth General Assembly, 1982 Session, Chapter 11, Section 11, Subsections 1 and 4 for capital improvements and construction. Approved April 28, 1982.

- S.F. 2204— Relating to shorthand reporters appointed on an emergency or temporary basis. Approved May 21, 1982.
- S.F. 2212— Relating to fuel sales including the temperature of fuel sold. Approved May 10, 1982.
- S.F. 2213— To allow a county board of supervisors to merge benefited water districts into a single district. Approved May 11, 1982.
- S.F. 2215— Providing that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement. Approved May 19, 1982.
- S.F. 2216— Relating to the duties of the Office for Planning and Programming. Approved May 10, 1982.
- S.F. 2218— Relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural land preservation ordinances, county land use plans and agricultural areas and providing for certain preferences and restrictions on certain proceedings and assessments. Approved May 14, 1982.
- S.F. 2221— Relating to the regulation of agricultural and vegetable seed, and relating to penalties. Approved May 12, 1982.
- S.F. 2231— Relating to the operation of certain motor vehicles on the public highways. Approved May 21, 1982.
- S.F. 2232— Relating to profiting from inmates held in custody and providing a penalty. Approved April 30, 1982.
- S.F. 2240— Repealing the statutes relating to certain appliances equipped with a pilot light. Approved May 6, 1982.
- S.F. 2245— Extending the operation of the Department of Substance Abuse, striking the exemption of a program not receiving state dollars from inspections by the Department, exempting certain county-financed programs which do not receive state funds from licensing, and providing for four types of licenses. Approved May 19, 1982.
- S.F. 2251— Relating to natural gas as a special fuel. Approved May 12, 1982.
- S.F. 2252— Relating to audits of licensed substance abuse programs conducted by the Auditor of State. Approved April 30, 1982.
- S.F. 2253— Relating to the Iowa Housing Finance Authority, effective upon publication. Approved May 7, 1982.

- S.F. 2280— Relating to restitution by public offenders. Approved May 7, 1982.
- S.F. 2286— Relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds. Approved May 10, 1982.
- S.F. 2288— Relating to the prepayment of premium taxes by insurance companies. Approved May 12, 1982.
- S.F. 2291— Making the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, Chapter 69, relating to the laying of water mains retroactive. Approved April 30, 1982.
- S.F. 2292— Relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price. Approved May 13, 1982.
- S.F. 2293— Relating to the apportionment of business income for corporate income tax purposes. Approved May 14, 1982.
- S.F. 2297— Providing that an assessor shall not list a taxpayer's personal property if the assessor determines that the personal property valuation has not increased to an amount greater than the amount of the credit and the taxpayer has filed a claim for the credit. Approved May 7, 1982.
- S.F. 2298— Legalizing the action of the Southeast Iowa Regional Planning Commission allowing its employees to be optional members of the Iowa Public Employees' Retirement System prior to October 1, 1981, effective upon publication. Approved May 19, 1982.
- S.F. 2300— Relating to the regulation of financial institutions. Approved May 18, 1982.
- S.F. 2302— Continuing the 100 percent guarantee of school districts for the school year commencing July 1, 1983. Approved May 17, 1982.
- S.F. 2303— Legalizing the proceedings of the Grinnell-Newburg Community School District relating to the sale of certain property. Approved May 21, 1982.
- S.F. 2305— Allowing a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date. Approved May 21, 1982.
- S.F. 2308— Authorizing two or more counties to establish a joint indigent defense fund. Approved May 21, 1982.
- S.F. 2309— Relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive. Approved May 13, 1982.

- S.F. 2312— Authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities. Approved May 11, 1982.
- H.J.R. 2003— Relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation. Approved May 17, 1982.
- H.F. 303— Relating to the registration of group day care home providers. Approved May 11, 1982.
- H.F. 748— Requiring the director of the Division of Adult Corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders. Approved May 3, 1982.
- H.F. 777— Relating to assignments of instruments and accounts. Approved May 12, 1982.
- H.F. 796— Providing for the issuance of certain restricted licenses to persons between the ages of 14 and 18. Approved May 12, 1982.
- H.F. 828— Redefining the duties of the State Historical Department and to provide for the appointment of an executive director and a state historical board. Approved May 18, 1982.
- H.F. 844— Relating to the filing of a claim for the homestead credit or military service exemption only once. Approved May 22, 1982.
- H.F. 858— Relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy. Approved May 3, 1982.
- H.F. 861— Authorizing a person who is confined in a hospital or nursing care facility to qualify for claiming and authorize an executor or administrator of an estate to file a claim for the extraordinary property tax credit or reimbursement on the person's homestead, with a January 1 effective date. Approved May 19, 1982.
- H.F. 2090— Relating to the hours of laboratory instruction required for completion of a driver education course. Approved May 7, 1982.
- H.F. 2111— Relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree. Approved May 22, 1982.
- H.F. 2154— Legalizing a conveyance of a parcel of abandoned road by the Guthrie County Board of Supervisors. Approved April 30, 1982.
- H.F. 2218— Relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty. Approved May 20, 1982.

- H.F. 2240—Relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under Chapter 229. Approved May 7, 1982.
- H.F. 2250—Permitting revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system. Approved May 19, 1982.
- H.F. 2334—Relating to railroad property. Approved May 21, 1982.
- H.F. 2339—Prohibiting bail following conviction of, or a plea or verdict of guilty to, certain felonies. Approved May 14, 1982.
- H.F. 2340—Limiting the criminal or civil liability to donors of perishable food to charitable or nonprofit organizations and the liability of the organizations. Approved May 10, 1982.
- H.F. 2344—Relating to the personal liability of volunteer firefighters and rescue service operators who render emergency assistance. Approved May 14, 1982.
- H.F. 2346—Requiring the Code Editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate. Approved May 13, 1982.
- H.F. 2351—Relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks, wildlife habitats, native prairies, and open prairies, increasing the amount of acres to be exempted for certain organizations, and increasing the assessed value of fruit-tree and forest reservations. Approved May 11, 1982.
- H.F. 2353—Establishing a regulatory information service in the Iowa Development Commission. Approved May 21, 1982.
- H.F. 2355—Exempting from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than \$2,500. Approved May 10, 1982.
- H.F. 2357—Establishing an Iowa Advisory Commission on Intergovernmental Relations. Approved May 13, 1982.
- H.F. 2360—Exempting wilderness campsites from the requirements of the Department of Health to furnish water, garbage, and sewage disposal facilities. Approved May 7, 1982.

- H.F. 2362—Relating to the penalty for failure to pay or remit 90 percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes. Approved May 3, 1982.
- H.F. 2363—Relating to the establishment of a soil conservation loan program by the Iowa Family Farm Development Authority, allowing the Authority to issue its bonds and notes for the program, and making coordinating amendments. Approved May 13, 1982.
- H.F. 2365—Relating to the testimony of a husband or wife as a witness against the other. Approved April 30, 1982.
- H.F. 2368—Adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges. Approved May 14, 1982.
- H.F. 2369—Relating to crimes resulting from the operation of motor vehicles under certain circumstances. Approved May 11, 1982.
- H.F. 2393—Creating a child abuse prevention program and child abuse prevention program advisory council, providing an increase in certain fees and providing an appropriation. Approved May 10, 1982.
- H.F. 2395—Providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state. Approved May 6, 1982.
- H.F. 2396—Relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax. Approved May 6, 1982.
- H.F. 2398—Relating to a penalty for taking certain game and fish in violation of law. Approved May 21, 1982.
- H.F. 2405—Permitting certain movements of implements to husbandry, without distance limitations, subject to certain safety rules. Approved May 14, 1982.
- H.F. 2407—Relating to the Uniform Limited Partnership Act. Approved May 6, 1982.
- H.F. 2409—Relating to fire safety, and providing penalties. Approved May 6, 1982.
- H.F. 2411—Eliminating the requirement that every merged area lease agreement be approved by the State Board of Public Instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over \$25,000 per year. Approved May 7, 1982.

- H.F. 2420—Relating to the authority of the State Board of Public Instruction over a school district not maintaining twelve grades. Approved April 30, 1982.
- H.F. 2424—Allowing certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years. Approved May 6, 1982.
- H.F. 2425—Relating to the use of municipal sewage sludge as fertilizer. Approved April 30, 1982.
- H.F. 2426—Relating to the procedures for involuntary commitment or treatment of substance abusers. Approved May 21, 1982.
- H.F. 2430—Adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings. Approved May 17, 1982.
- H.F. 2435—Relating to shooting ranges. Approved May 17, 1982.
- H.F. 2437—Assuring the continuation of human service programs delivered by community action agencies. Approved May 17, 1982.
- H.F. 2442—Relating to custody of children upon dissolution of marriage. Approved May 17, 1982.
- H.F. 2446—Expanding the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging. Approved May 10, 1982.
- H.F. 2453—Relating to the dollar limitation on the administration of certain small estates. Approved May 17, 1982.
- H.F. 2454—Relating to the refund of fees when a mobile home park license is denied, revoked, or suspended. Approved April 30, 1982.
- H.F. 2457—Relating to the disposition of fines and forfeited bail for violations of county ordinances. Approved April 30, 1982.
- H.F. 2460—Amending the Juvenile Justice Code. Approved May 12, 1982.
- H.F. 2461—Relating to group insurance coverage for county extension office assistants. Approved May 11, 1982.
- H.F. 2463—Consolidating the management and regulation of water and air resources and waste. Approved May 18, 1982.
- H.F. 2464—Relating to the Iowa Small Business Loan Program. Approved May 19, 1982.

- H.F. 2465—Correcting erroneous, inconsistent, or obsolete provisions of the Code. Approved April 30, 1982.
- H.F. 2469—Relating to requirements of the State Department of Transportation and county officials with regard to secondary and farm-to-market highways. Approved April 30, 1982.
- H.F. 2474—Providing that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication. Approved May 19, 1982.
- H.F. 2475—Relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date. Approved May 13, 1982.
- H.F. 2476—Relating to the recording of automatic assignments to the Department of Social Services of periodic support payments by recipients of public assistance. Approved May 19, 1982.
- H.F. 2477—Appropriating federal funds made available from federal block grants. Approved May 21, 1982.
- H.F. 2478—Relating to the issuance of bonds payable from the hotel and motel tax. Approved May 6, 1982.
- H.F. 2479—Disallowing the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effective upon publication retroactive to January 1, 1981. Approved May 19, 1982.
- H.F. 2482—Appropriating federal funds received for federal fiscal year 1982 to the Energy Policy Council effective upon publication. Approved May 19, 1982.
- H.F. 2483—Relating to the applicability of the certificate of need program. Approved May 21, 1982.
- H.F. 2484—Relating to mobile homes. Approved May 21, 1982.
- H.F. 2485—Allowing the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings. Approved May 21, 1982.
- H.F. 2486—Providing that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date. Approved May 21, 1982.

- H.F. 2489—Legalizing the proceedings of the Estherville Community School Board relating to the sale of land. Approved May 22, 1982.
- H.F. 2490—Relating to funds deposited by public entites in banks or bank offices. Approved May 22, 1982.
- H.F. 2491—Relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa. Approved May 22, 1982.
- H.F. 2493—Relating to criminal justice programs. Approved May 12, 1982.
- H.F. 2494—Appropriating funds to the State Conservation Commission for capital expenditures and land acquisition. Approved May 22, 1982.
- H.F. 2495—Relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions. Approved May 22, 1982.
- H.F. 2499—Legalizing the proceedings of the city council of the city of Mount Pleasant relating to the sale of property to the Henry County Industrial Development Corporation. Approved May 10, 1982.

GOVERNOR'S ITEM VETO MESSAGES

May 19, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2304, an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

I am unable to approve that portion of Section 80 which reads as follows:

It is the intent of the general assembly that in expending the funds appropriated under subparagraphs 1 through 3, the office for planning and programming shall comply with recommendation 5 of the legislative fiscal bureau program evaluation of the office for planning and programming, dated February, 1982.

I am unable to approve that portion of Section 86 which reads as follows:

The state shall provide workers' compensation benefits under chapters 85, 85A, 85B, and 86 to participants in the community work program and those chapters shall

be exclusive, compulsory, and obligatory upon the state and the participants in the community work program.

I am unable to approve the item designated in the Act as Section 93 which reads as follows:

Sec. 93. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For medical assistance, *provided that the funds appropriated in this subsection shall not be transferred or used for any other purpose than specified in this subsection, notwithstanding section 8.89*, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

I am unable to approve the item designated in the Act as Section 129 which reads as follows:

Sec. 129. If the appropriations made by this Act create a general fund balance that results in the state comptroller having to delay or consider delaying making any payments authorized by this Act, or any other Act making appropriations, the state comptroller shall make a monthly report to members of the general assembly relating to the fiscal condition of the state and the report shall include, but not be limited to, the revenue growth for the previous month, and the general fund balance, which shall reflect the total general fund obligations not satisfied at the end of the month.

A portion of Section 80 of Senate File 2304 requires the Office for Planning and Programming to organize for the expenditure of its state funds according to a Legislative Fiscal Bureau program evaluation recommendation. This recommendation would divide OPP into three major divisions: Intergovernmental Assistance, Interagency Planning and Coordination, and Administration and Support.

OPP, under the leadership of Ed Stanek, has recently undergone an administrative reorganization. The structure of the organization was refined to more closely reflect the statutory purpose of the office. The legislature effectively endorsed these reorganization efforts by passing Senate File 2216, which made the statutory changes needed to implement the administrative reorganization efforts by passing Senate File 2216, which made the statutory changes needed to implement the administrative reorganization. However, Senate File 2216, which was dubbed by many as the OPP reorganization bill, did not prescribe a statutory organization for OPP. The Senate and House State Government Committees, which drafted Senate File 2216, apparently determined that the organizational structure of OPP was something best left to those who had responsibility for managing the office.

Thus, it appears that these organizational directives in Senate File 2304 run contrary to the work of the General Assembly in Senate File 2216. In addition, this

portion of Senate File 2304 allows a recommendation made by the Fiscal Bureau to take precedence over the efforts and considerations of the standing committees on state government.

Moreover, it seems apparent that the impact of this portion of Senate File 2304 was not clear to members of the General Assembly. This is exhibited by an irony which would result from the implementation of this language. Another portion of Section 80 of Senate File 2304 stipulates that the Iowa Council for Children, Youth, and Families be provided with at least two staff positions and support services. Yet implementation of the Fiscal Bureau recommendation would result in no dedicated support for the Council.

Section 86 of Senate File 2304 establishes a method to provide community work experience for those on the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) program. The Department of Social Services is required to contract, at reasonable cost, with counties to provide work assignments for the AFDC-UP recipients. These recipients would receive their AFDC-UP benefits in return for performing the designated work assignments for the county. DSS would be required to assume the costs of workers' compensation as part of the contract with the county.

No state funds were appropriated to DSS to administer this program which, by federal requirement, would include a \$25 monthly work expense grant to each AFDC-UP recipient in addition to the AFDC-UP payment. Nevertheless, the program has the potential of providing valuable work experience to AFDC-UP recipients, and the state has the ability to negotiate a contract with the counties that would stay within reasonable cost limitations. Therefore, I am signing that portion of the program into law.

However, the ability of the state to limit its financial liability for the program is seriously undermined by that portion of Section 86 which requires the state to assume the cost of workers' compensation claims for the program. Preliminary estimates indicate that workers' compensation claims for the program may run as high as \$300,000 each year. Yet no funds were appropriated to DSS to provide for these claims. While there is a possibility of a federal sharing of these costs, the workers' compensation requirement poses substantial financial liability for the state since no provisions were made for this budget item.

Furthermore, because of the lack of state funding, the workers compensation payment requirement may act as a substantial financial disincentive for DSS to enter into a community work contract with the county. And, it can be reasonably argued that the counties can bear some responsibility for wage and medical compensation for injured workers since the counties will benefit from the tasks performed and the workers will be performing work assignments prescribed by the counties. To do otherwise would remove an incentive for the counties to provide safe jobs. Therefore, the payment of workers' compensation benefits should be part of the community service contract negotiated by and between the state and counties and should not be made a mandatory state financial obligation.

Section 93 of Senate File 2304 amends last year's state appropriation to the medical assistance (Medicaid) program to prohibit the transfer of any of these state funds. Since this restriction is made in a separate section of the bill, distinct from Section 94 which makes the supplemental appropriation to Medicaid, it would not appear to be a condition of the appropriation and would thus be subject to an item veto.

Section 8.39 of the Code authorizes the Governor and the State Comptroller to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The use of this transfer authority is preceded by a two-week notice given to various legislators. During this time legislative comments are received and carefully considered.

The transfer authority is used sparingly. Nevertheless, it does provide for the budgetary flexibility needed to deal with unforeseen or changing circumstances. Certainly, the unsettled economic conditions we face today require flexibility in administering the budget, particularly in light of the relatively small treasury balances that have been provided for.

While the frequent need for medical assistance budget supplements indicates that a transfer from this program is unlikely, the Medicaid budget's reliance on federal funds and regulations reveals the need to maintain transfer authority. President Reagan's proposed budget includes a swap with the states—the federal government would fund Medicaid while the states would assume the costs of the AFDC and food stamp programs. While the administration and the Governors have yet to agree on a swap, it is important to note that both include federal funding for Medicaid in their proposals. In addition, forthcoming federal changes in the home-based care requirement could save state funds during the coming fiscal year. Should a swap be forthcoming, or if the federal regulatory changes occur, transfer restrictions on the Medicaid program would seriously hamper Iowa's ability to adjust.

Therefore, in order to maintain the flexibility needed to effectively operate government during unsettled economic and federal budgetary times, Section 93 must be item vetoed.

Section 129 of Senate File 2304 provides for a monthly report by the State Comptroller to the General Assembly. This monthly report must, at minimum, include the revenue growth for the previous month and the general fund balance which must include all unsatisfied obligations for the month. Moreover, the Comptroller's monthly report need be filed only when the \$40,775,758 appropriations made in the bill may force a delay in state general fund payments.

The language in the section, at best, unclear and, at worst, unworkable.

Apparently, legislators intended to require a monthly report indicating state tax receipts and a listing of any delayed general fund payments. This intent can be met by the State Comptroller. In fact, all legislators presently receive the State Comptroller's monthly tax receipts report. This report includes a summary of state

tax receipts received for the month and for the fiscal year to date. In addition, information is generally included regarding the ability of the state to meet its obligations and to meet the constitutional requirement of a balanced budget. Moreover, the list of major general fund payments that have been delayed is already a matter of public record and those affected by the delays are notified as far in advance as possible. The State Comptroller can and will add legislative leaders to the list of those notified of delayed payments.

However, the language in Section 129 uses the term "general fund balance" and the phrase modifying it "total general fund obligations not satisfied at the end of the month" to describe the required content of the Comptroller's report. This language fails to make the distinction between cash balance and general fund balance which is essential to understanding the reasons for delayed payments. The cash balance is the cumulative result of state's cash income and cash payments. This balance, together with estimates of future cash flow, is used to schedule future cash payments. Delays in large payments, or partial payments, are made to avoid a cash deficit.

The general fund balance, on the other hand, is defined to include total general fund obligations. The financial obligations of state agencies are matched with state revenues to yield a general fund balance.

Agencies are given quarterly allocations of appropriated funds and are allowed to draw on those allocations until their allocation is reached or until the end of the fiscal year. No record of the extent to which an agency has obligated funds is known until the fiscal year ends. Thus, there is but one report of the general fund balance, and it comes not monthly but only at the end of the fiscal year.

In short, it appears the legislature intended to obtain a report of delayed payments. Unfortunately, the language in Section 129 instead requires a monthly general fund balance statement which has little to do with delayed payment decisions and is now prepared but once a year.

As a result, the requirements of Section 129 cannot be met, and this section cannot be approved. However, since the legislature has an appropriate desire to be kept informed about the state's financial picture and apparently desires to receive a monthly receipts statement and delayed payments report, the State Comptroller will forward such a monthly report to legislative leaders.

For these reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2304 are hereby approved this date.

Sincerely,
ROBERT D. RAY
Governor

May 22, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 2178, an act relating to the administration and benefits of public retirement systems.

Senate File 2178 is approved May 22, 1982, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the act as Section 12 which reads as follows:

Sec. 12. Section 97B.11, Code 1981, is amended to read as follows:

97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE. Each employer shall deduct from the wages of each member of the system a contribution in the amount of three and [six-tenths] *seven-tenths* percent of the covered wages paid by the employer through [June 30, 1979] *December 31, 1984*, and commencing [July 1, 1979] *January 1, 1985*, in the amount of three and [seven-tenths] *eight-tenths* percent of the covered wages paid by the employer, until the first of the month in which the member attains the age of seventy years or the member's termination or retirement from employment, whichever is earlier. The contributions of the employer shall be in the amount of [three and one half percent of the covered wages of the member for service through December 31, 1975, and in the amount of] five and [twenty-five] *seventy-five* hundredths percent of the covered wages of the member for service [commencing July 1, 1977] through [June 30, 1979] *December 31, 1984*, and in the amount of [five and seventy five] *six and twenty-five* hundredths percent of the covered wages of the member for service commencing [July 1, 1979] *January 1, 1985*.

I am unable to approve the item designated in the act as Section 23, Subsection b, numbered subparagraphs 1, 2, 3, and 4 which read as follows:

b. (1) There is appropriated annually from the general fund of the state to the Iowa department of job service to be deposited in the Iowa public employees' retirement fund, to pay for the benefit increases provided in this subsection, except as otherwise provided in this subsection, the sum of two million two hundred seventeen thousand dollars per year, commencing with the fiscal year beginning July 1, 1982 and through the fiscal year beginning July 1, 2001, for each fiscal year in which the unobligated state general fund balance on June 30 of the preceding fiscal year as certified by the state comptroller by the following September 10 is more than thirty-five million dollars.

(2) If the unobligated state general fund balance on June 30 of any year from 1982 through 2001 as certified by the state comptroller by the following September 10 is less than thirty-five million dollars, the cost of benefit increases provided in this subsection of two million two hundred seventeen thousand dollars per year for the fiscal year following that June 30 shall be absorbed by the Iowa public employees' retirement fund.

(3) If the unobligated state general fund balance on June 30 of any year from 1982 through 2001, minus the amount appropriated in subparagraph (1), is more than thirty-five million dollars as certified by the state comptroller by the following September 10 and the cost of the benefit increases provided in this subsection during that fiscal year, or any previous fiscal year, has been absorbed by the Iowa public employees' retirement fund and has not previously been repaid from the state general fund in the manner provided in this subparagraph, there is appropriated from the general fund of the state to the Iowa department of job service for the fiscal year beginning the following July 1 two million two hundred seventeen thousand dollars to be deposited in the Iowa public employees' retirement fund to pay the cost of the benefit increases provided in this subsection and absorbed by the Iowa public employees' retirement fund for a previous fiscal year or portion of a fiscal year.

(4) Notwithstanding subparagraphs (1) and (3), funds appropriated in subparagraphs (1) and (3) for a fiscal year shall not exceed the amount by which the unobligated state general fund balance on June 30 of a fiscal year as certified by the state comptroller by the following September 10 exceeds thirty-five million dollars.

Senate File 2178 significantly and appropriately upgrades the benefits for public employees who retire under the IPERS system. Employee wages covered under the system are raised from \$20,000 to \$21,000 on January 1, 1984, and to \$22,000 on January 1, 1986. Retirement benefit levels will be calculated by using the highest five years of wages earned rather than the highest five consecutive years. The retirement benefits will then be equal to 50 percent of these highest five years of wages earned rather than the 47 percent level now in the law. And, the maximum benefits for the pre 1976 IPERS retirees will be increased by up to \$30 per month.

While these benefit increases are appropriate, they also up the demands on the IPERS fund. Section 12 and a portion of Section 23 of Senate File 2178 were apparently included in the bill to address that concern.

Section 12 increases the contribution rate for employers in IPERS from 5.75 to 6.25 percent of all covered wages on January 1, 1985. At the same time, the employee contribution rate is increased from 3.7 to 3.8 percent of covered wages. This would result in an annual \$8.2 million increase in the employer contribution, and a \$1.6 million increase in the employees' contribution. This contribution increase would affect the IPERS employers and employees as follows:

<u>Government Entity</u>	<u>Employer Contribution of \$8,189,353</u>	<u>Employee Contribution of \$1,637,871</u>
State	\$1,345,511	\$269,102
Regents	131,030	26,206
Counties	1,194,827	238,965
Cities	909,018	181,804
Township	819	164
Schools	4,209,327	841,866
Multiple Units	336,582	67,316
Utilities	62,239	12,448
Total	\$8,189,353	\$1,637,871

While this would generate substantial revenue for the IPERS fund, it would also burden financially strapped local governments with a state-mandated contribution increase. Without provisions to assist local governments in handling these increased financial demands, this section of the bill could force some local governments to increase property taxes. That is not fair play.

Moreover, it is apparent that the increase in IPERS benefits provided for in the bill can be paid for without a contribution increase. Present benefit levels are significantly less than the level of contributions to the fund. This fact, combined with the increased contributions associated with hiking the covered wages and the substantial investment income in the fund, ensure the actuarial soundness of IPERS without a contribution rate increase now or in 1985.

Therefore, by disapproving Section 12, IPERS benefits will be appropriately increased, local governments will be spared the extra financial burden resulting from a state-mandated contribution hike and the IPERS fund will remain sound for the future.

Subsection b, numbered subparagraphs 1, 2, 3, and 4 were apparently added by the legislature as an alternative method of financing the increased benefits granted to pre-1976 retirees in the bill. These subparagraphs appropriate from the state general fund \$2.2 million to the IPERS fund for each of the next 20 years in order to pay for the anticipated cost of the pre-1976 retiree benefits. However, the general fund appropriation is to be made only when the fund has a balance sufficient to make the appropriation while maintaining at least a \$35 million balance. In addition, a \$4.4 million appropriation must be made from the general fund if a previous year's balance was insufficient to allow for that year's appropriation.

These provisions are unwieldy and unnecessary. Despite the \$35 million trigger established in the bill, the Comptroller would be required to set aside each year's appropriation. This would effectively prevent the use of the \$2.2 million in fiscal year 1983 and in the 19 ensuing fiscal years. The state can ill afford to have the small 1983 general fund balance reduced even further by this bill. Moreover, the provisions for the retroactive payment of a previous year's unfunded appropriation would be difficult to administer and would further drain the state general fund.

In addition, as was mentioned previously, the IPERS fund can safely absorb the cost of the pre-1976 retiree benefit increase with the contributions provided in the bill. Therefore, it would appear unnecessary to appropriate additional state general funds to IPERS.

The remaining sections of Senate File 2178 provide for significant benefit increases for state and local peace officers and firemen in cities of over 8,000 population. The bill provides that the calculation of pension benefits for these employees is to be based on the high three rather than the high five years of salary. This is an appropriate change for several reasons:

—It takes into account the disparity between IPERS retirees, who get Social Security as well as IPERS benefits, and peace officers and firemen who are not covered under Social Security.

—The change makes Iowa's peace officer retirement system more competitive with those of our neighboring states.

—The bill also provides a mechanism for the employees to at least partially pay for this benefit increase by adding .89 percent to the employee contribution rate. The extent to which this contribution rate hike will actually pay for the benefits granted to local peace officers and firemen was the subject of considerable confusion during the closing hours of the legislative session and remains subject to some debate. I urge the legislature next year to re-examine the relationship of the contribution rate increase to the fiscal impact of the high three on local governments. If it is determined that the rate hike is not sufficient to cover the costs of the high three, the legislature should take action to adjust the employee contribution rate or provide the necessary funding to cities through the Municipal Assistance Fund.

Senate File 2178 also allows peace officers in the cities under 8,000 to satisfy IPERS requirements with 25 years of service and a retirement age of 60. This appears to be an appropriate change since it makes the pension benefits for these peace officers more compatible with those of their counterparts in cities over 3,000 and with state peace officers. However, the cost of this change for these cities has also been the subject to debate. Since this provision is not effective until July 1, 1983, the legislature next year will have the time to review and to address its fiscal impact.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the state of Iowa. All other items of Senate File 2178 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

GOVERNOR'S VETO MESSAGES

May 14, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing House File 855, an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter. In accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

This bill provides that rules shall not be proposed or adopted by the Conservation Commission, Natural Resources Council or Department of Transportation relating to the regulation of barge traffic or barge fleeting until a study is completed by the Interagency Resources Council. The Council is also to seek assistance of the Corps of Engineers, National Park Service, Environmental Protection Agency and the Coast Guard for the study. Upon completion of the study, which can take no longer than one year to complete, the results, with recommendations, are to be submitted to the Senate and House Standing Committees on Natural Resources and Transportation.

Before a discussion of the merits of the bill, a review of the background on this issue is in order.

When Iowa became a state, Congress gave the bed and banks of the meandered streams to the state. The Mississippi River is one of those meandered streams, and thus the state of Iowa has title to the banks on the Iowa side and the bed to mid-point of the Mississippi River. The Iowa legislature, in turn, has placed this property in trust for the people of Iowa under the jurisdiction of the Conservation Commission (Section 111.18, Code of Iowa). In addition, the Commission has the responsibility for determining allowable obstructions (Section 106.32, Iowa Code) and construction (Section 111.4, Iowa Code) placed on or over this property.

As such, the Commission has regulated aspects of barge fleeting since 1935. Those rules regulating fleeting prior to February 26, 1982, required fleeting site leases under departmental rule, Iowa Administrative, Code, 290-Chapter 55. In order to establish greater fletcher awareness of and compliance with barge fleeting regulations and to reduce by one-half the cost of fleeting leases, the Commission proposed a new barge fleeting rule on March 4, 1981.

This proposed rule (I.A.C., 290-54) met strong opposition from the legislature's Administrative Rules Review Committee and the barge industry. The industry contended that the rule resulted in excessive duplication of regulations with the Corps of Engineers and the Coast Guard. In addition, they expressed their concern

about their failure to have input in the rule-drafting process. Moreover, the Iowa Department of Transportation opposed the rule, fearing an adverse impact on river transportation.

As a result, the Interagency Resources Council, composed of Iowa's transportation, development, agriculture and environmental agencies, reviewed the proposed rule and recommended changes. The Commission filed an amended rule, adopting all of the Council's recommended changes. Seven public hearings were held and three workshops on the proposed rules for fleeters were conducted in Dubuque, Davenport and Des Moines. The Army Corps of Engineers and Coast Guard also indicated that the amended rules posed no duplication with their regulations and that they had no objections to them. And, an extensive study by the DOT's River Division concluded that the proposed rules should be supported since they would have a minimal effect on transportation costs, they would resolve potential conflicts on siting, and they would fulfill the state's responsibility to assure that public lands are compensated for when used by private or commercial interests. The DOT Commission withdrew its opposition to the rule. And, on February 26, 1982, almost one full year after the first proposed rule, the Commission's amended barge fleeting rule became effective.

House File 855 was introduced in May of 1981 during the height of the controversy over the Commission's proposed rule. The House of Representatives passed this bill in an attempt to obtain a thorough study of the rule before it became effective. The Senate did not consider the bill in 1981 and began debate on it just prior to the effective date of the amended rule—after the Interagency study and the DOT study. The senators, recognizing that the bill, as written, would not prevent the rule from taking effect, amended the bill to void the amended rule. The House recognizing that many of the problems with the proposed rules had been worked out, rejected the Senate amendment. The Senate then refused to insist and the bill was presented to me for my review.

With this background in mind, it becomes apparent the bill must be vetoed for three reasons:

1. The Interagency Resources Council study required in the bill has already been completed. As was noted previously, the Council reviewed the proposed rules and recommended changes, all of which were adopted and are now in effect. Also, the DOT conducted a comprehensive review of the rules and withdrew its objections. It is estimated that the study of the present rule entailed a cost of \$10,000. Spending another \$10,000 on a similar study would be an unnecessary expense.

2. The effect of the bill could be counter-productive to the interest of barge fleeters and the public. House File 855 effectively freezes existing barge fleeting regulations into place until another study is completed. No rules relating to barge fleeting can be proposed or adopted after July 1, 1982. Since the amended rules are now in effect, the bill would effectively prevent the Commission from modifying the rules until the study is completed. However, the Conservation Commission plans to review the impact of the existing rules in the coming months. If there are ways in which the rules can meet environmental standards while easing the requirements on

barge fleeters, those modifications can be incorporated into the rules. My staff plans to work with the Commission during this review process. Therefore, freezing the existing rules into place could be counter-productive to the interest of barge fleeters, those who supported this bill, and the public which could benefit from modifications to the rule.

3. There have been few objections to the existing rules. I have been advised that the Commission has received no complaints from the fleeters regarding the revised rules; in fact, several have expressed appreciation for the rules since they cut the siting fee by 50 percent. This general acceptance of these rules can be attributed to the orderly and understandable process provided for barge fleet siting applications. All of those interested in the sites now have an ability to comment. Moreover, the rules reasonably protect the river bank and bed environment without posing undue costs or regulatory burdens on fleeters or the public. Therefore, a study of generally accepted rules would have little value.

Therefore, because the bill requires the duplication of a previously completed study, jeopardizes the interest of barge fleeters and the public, and casts doubt on generally accepted rules, I must veto this bill. The best study of the impact of these rules can come from a review of their operation. If it becomes apparent that changes are needed, modifications can be made by the Commission.

For the reasons enumerated in this letter, I hereby respectfully disapprove this House File 855.

Sincerely,
ROBERT D. RAY
Governor

May 19, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing Senate File 276, an act relating to the Iowa judicial system, and providing for the reorganization of judicial district five into three judicial election districts, and providing for the number of members to be appointed and elected to the State Judicial Nominating Commission and providing a January 1 effective date, which, in accordance with Article III, Section 16, Constitution of the state of Iowa, I hereby disapprove and transmit to the Secretary of State.

The Judicial Nominating Commission consists of one public member appointed by the Governor and one member elected from the bar from each judicial nominating district. Members of the Commission are responsible for selecting those who can be

considered by the Governor for appointment to the Supreme Court and Court of Appeals.

Senate File 276 reduces the number of state judicial nominating districts from seven to six and makes the boundaries of the six nominating districts consistent with the present six congressional districts in the state. The bill also provides for a change in the number of judicial nominating districts in the future in conformance with changes in the number of congressional districts in the state. Current judicial nominating commissioners are allowed to serve out the remainder of their terms in office. However, where that results in two or more appointed or two or more elected members from the same congressional district, each of the members is to share equally in deciding how the single vote from the appointed or elected membership from that district is cast.

In addition, Senate File 276 changes the registration requirement for members of the bar who wish to vote in the election of the bar member of each nominating district. The bill also allows for the payment of expenses for each Commission member and creates a new judicial election district of 5C consisting only of Polk County.

Prior to outlining the rationale for vetoing this bill, some background information is in order.

When the statute creating the State Judicial Nominating Commission was enacted in 1963, the legislature specified that one public and one bar member should come from each congressional district then in existence. At that time, there were seven congressional districts, and, despite the 1970 census which reduced the number of Iowa congressional districts to six, it continued to be the practice of the Governor to make and of the Senate to approve seven appointments to the Commission.

This practice was not without legal foundation since a 1971 Attorney General's Opinion concluded that judicial commissioners should continue to be appointed or elected from the seven congressional districts. The Attorney General reasoned that "the manifest purpose (of using congressional district boundaries for judicial nominating district purposes) was to provide a geographical distribution of the membership of the Commission . . . (T)here being no relationship whatever between the congress and the judicial commission, there is no reason for a subsequent change in (judicial nominating) districting." (Turner to Murray, 1972 Op. Atty Gen. 68.)

However, during the 1981 session of the Sixty-ninth General Assembly several senators questioned the legality of the seven districts and asked for another opinion from the Attorney General on this issue. The Attorney General reaffirmed the 1971 opinion and said that any change in the number of judicial nominating districts would require legislative action.

Therefore, this year the General Assembly passed Senate File 276 which statutorily tied the number of the judicial nominating districts to the present and future congressional districts. By reducing the number of nominating districts from

seven to six while "grandfathering in" present Commission members, the legislature placed two bar members in the new sixth district and two public members in the new third district. This fact, combined with the single vote procedure outlined in the bill for districts with multiple members makes the legislation unworkable and unacceptable.

There are three reasons for this conclusion:

1. The single vote procedure may effectively disenfranchise the bar or public member in the judicial nominating district. The bill requires the multiple members of the district to agree prior to casting the single vote of that district. If, as is conceivable when human judgment is involved, the two members cannot agree on the vote, then the district would effectively lose its vote. As a result, the purpose of the judicial nominating districts—to provide for the geographic distribution of viewpoints in the judicial nominating process—would be lost.

2. The loss of a bar or public vote on the Commission could adversely affect the orderly selection of judges in Iowa. Nominees must receive approval from a majority of the full statutory number of Commission members in order to be nominated. If two of the 12 votes are not able to be cast, then only four Commission members, rather than the statutory majority of seven, could reject a candidate for nomination. This could paralyze the Commission's decision-making process.

3. The possible disenfranchisement of nominating districts could affect the judicial nominating process for a substantial time. Both the sixth district bar members and the third district public members would be affected by the single vote procedure for three years. That is too long to disrupt the nomination of Supreme Court and Court of Appeals justices in Iowa. Indeed, drafters of the single vote mechanism were unaware of the duration its impact and acknowledge that a different mechanism would have been sought if its three-year impact would have been known.

Therefore, because of the possible substantial and lengthy disruption of the judicial nominating process, I must veto this bill. With the rejection of this bill, we will maintain our seven nominating districts which were given sanction by two Attorney General opinions. Should the legislature in the future decide to tie the nominating districts to their congressional counterparts, a more reasonable and workable voting mechanism should be worked out.

This is not to pass judgment on the other substantive sections of the bill, including the creation of a new judicial election district for Polk County. Those substantive provisions may be meritorious in their own right and deserve to be studied separately by future legislatures.

For the reasons enumerated in this letter, I hereby respectfully disapprove this Senate File 276.

Sincerely,
ROBERT D. RAY
Governor

May 21, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing Senate File 2153, an act relating to the state revenue regulations, sales, services and use taxes by exempting from the taxes sales by trade shops to printers of the end products of image modulation, lithographic-offset plates, photo-engraved plates, and other base materials used as carriers for light-sensitive emulsions, limiting the amount of refunds allowable under this act, and making it retroactive, which, in accordance with Article III, Section 16, Constitution of the state of Iowa, I hereby disapprove and transmit to the Secretary of State.

Senate File 2153 provides a sales tax exemption for certain photographic materials used by printers to complete a finished product for retail sale. The bill is made retroactive to allow for refunds for taxes paid on these materials since 1971 and puts a \$50,000 limit on total allowable refunds. In addition, the bill includes an enigmatic provision which makes effective as law written pronouncements on any revenue laws made by the Director or a division director of the Department of Revenue prior to 1975, so long as those pronouncements have not been modified by a rule or statute.

The merits of the sections of the bill granting the sales tax exemption for printers are not questioned here: the exemption would appear to provide for appropriate tax treatment of materials used in the processing of a retail product. It is the uncertain and potentially adverse impact of the provision relating to revenue pronouncements that gives rise to the disapproval of this bill.

The provision in Senate File 2153 relating to Department of Revenue written pronouncements was offered in the House of Representatives during the final hours of the session and received little debate on its implications or merits. A question did arise regarding the provision's germaneness to the bill. It was ruled to be outside of the scope of the bill, but a suspension of the rules and an amendment broadening the title resulted in the addition of the provision to Senate File 2153.

The nongermane ruling is an indication that the subjects covered in the amendment are outside of the scope of the sales, service and use tax issue in Senate File 2153. And, the amendment to the title broadened the description of the subjects covered in the bill to include all revenue regulations. These facts in combination with the language of the amendment, make it apparent that Senate File 2153 applies to all taxes administered by the Department.

Moreover, Section 3 of the bill makes the entire act retroactive to 1971. Therefore, House File 2153 may result in legal contests over any tax paid since 1971 if the payment of that tax runs contrary to the written advice given by the Director or a division director of the Department of Revenue which has not since been modified by law or rule.

Senate File 2153 thus raises several important questions.

1. Does the law require the refunding of a tax if its payment was based upon erroneous advice? And conversely, would a taxpayer be required to pay back taxes to the state if its nonpayment were based upon erroneous advice?

These questions relate to the common law doctrine of equitable estoppel whereby the state can be estopped from collecting back taxes when a taxpayer, in good faith, relies on the Department's information in deciding not to pay the taxes. This doctrine has never been used by the courts in Iowa and applies only to interest and penalties associated with disputed taxes in states where it is in effect. Senate File 2153 appears to statutorily adopt the doctrine of equitable estoppel in Iowa and may even go beyond it by requiring the refunding of the tax itself, in addition to the interest and penalties.

If the legislature desires to adopt the doctrine of equitable estoppel as Iowa tax law, it should make this major policy change only after fully debating its implications and revenue consequences. Moreover, the legislature should carefully draft the statute to reasonably limit its applicability.

2. Could Senate File 2153 be interpreted to affect only specific taxpayers who received written pronouncements from the Department or could it affect entire classes of taxpayers in similar situations, even if they were unaware of the written pronouncement? If it is determined to affect an entire class, the bill may result in a substantial drain on the state treasury at a time when the state budget is constrained. If it does not apply to a class of taxpayers, Senate File 2153 may treat taxpayers inequitably by providing tax benefits or penalties only to those who receive written advice from the Department.

3. Are there unknown impacts of the bill? The Department wrote the first manual on the formula used for valuation of agricultural land in the early '70s. The Department has, since the adoption of the Administrative Procedures Act in 1975, substantially revised the manual without adopting the revisions in the administrative rules process. Therefore, the Department's equalization orders, which are based on the revised manual, could be challenged as a result of this bill. That is an example of but one possible impact; there are undoubtedly many others that are, as yet, unknown.

4. Does the legislature wish to retroactively give to the Department the authority to determine what is and what is not taxable? Senate File 2153 effectively gives the sanction of law to any interpretation of tax law written by the Director or division directors of the Department. That delegation of taxing authority to the Executive Branch runs contrary to the historic function of the legislature to make tax laws.

In short, the revenue regulation provisions in Senate File 2153 raise a number of serious questions. Answers to these questions will come only through costly and time-consuming litigation. Instead, the legislature should re-examine these provisions next year so that the implications of the bill are debated and resolved.

This veto is not to pass judgment on the other substantive sections of the bill. I recognize the legitimate concerns of the printing industry regarding the need to exempt processing materials from the sales tax. The Department of Revenue has informed me that the veto of this bill should not adversely affect printers so long as the legislature takes action next year to provide the exemption. I urge the legislature to take prompt action next year to address the printer's tax concerns.

For the reasons enumerated in this letter, I hereby respectfully disapprove Senate File 2153.

Sincerely,
ROBERT D. RAY
Governor

May 21, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing House File 800, an act relating to city housing codes under Section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures, which, in accordance with Article III, Section 16, Constitution of the state of Iowa, I hereby disapprove and transmit to the Secretary of State.

Presently, cities with a population of 15,000 or more are required to adopt housing codes which include minimum standards for rental housing units. Cities which adopt a code are also required to establish a housing code enforcement procedure. The enforcement procedure must include a program for regular rental inspections, rental inspections upon complaint and certification of inspected rental housing. (364.17 Code of Iowa)

House File 800 alters the present enforcement requirements by requiring inspection only upon complaint. A regular rental housing inspection program and the certification of inspected housing would no longer be required.

Prior to January 1, 1981, rental housing in cities of 15,000 residents or more was subject to standards detailed by state law (Chapter 413, Iowa Code). However, Chapter 413's failure to allow for local flexibility in setting minimum housing standards and its lack of a regular inspection program were apparently determined to be flaws in the housing law. Therefore, in 1979 the Sixty-eighth General Assembly, repealed Chapter 413, and required the adoption of local housing codes and established the present regular inspection program.

House File 800's elimination of that regular inspection requirement gives rise to three reasons to disapprove the bill.

1. Regular inspection of rental housing units is an effective way to ensure the maintenance of safe and sanitary rental housing stock. A recent National Bureau of Standards study found that a regular inspection program is the most effective housing code enforcement tool. Indeed, there can be little doubt that regular inspections of rental housing units with the possibility of penalties for failure to comply act as an incentive to the maintenance of rental property.

Moreover, the costs of maintaining rental property in the condition needed to pass the regular inspections has apparently not resulted in a reduction of available low-rent housing. City officials have indicated that there have not been reports of a decline in available low-rent housing since the adoption of the regular inspection program.

Therefore, since the availability of safe and sanitary housing has been firmly established as state policy, the state has a responsibility to seek the implementation of that policy through the most effective means. A regular inspection program provides that means.

2. The present regular inspection requirement gives cities a substantial amount of enforcement flexibility. Specifically, city legal experts have indicated that "regular" is to be defined by the cities. City housing officials can thus determine the proper intervals between inspections and can set varying inspection intervals based on the type of rental housing. In so doing, local officials can concentrate their inspection efforts on the rental housing most susceptible to deferred maintenance. And, the cost of frequent inspections of properly maintained rental housing units can be avoided.

I am sensitive to the concerns of some of the owners of rental property who believe that regular inspection requirement results in inspections that are too frequent, costly or unnecessary. Nevertheless, concerns over the cost and frequency of inspections can be resolved at the local level within the flexibility allowed under the existing law.

3. A regular rental housing inspection program can act to reduce tensions between landlords and tenants, particularly in low-income neighborhoods. Under House File 800, a complaint would have to be filed before an inspection is required. Unfortunately, complaints can often spark friction between the landlord and the tenant. Evictions, charges of retaliatory eviction and litigation can often ensue.

A regular inspection system, by ensuring a properly maintained housing unit, can result in reduced complaints and thus ease the tension between the landlord and tenant. Indeed, preliminary figures for Des Moines show a sharply reduced landlord/tenant litigation rate since the regular inspection program became effective.

Therefore, in order to effectively ensure properly maintained rental housing stock, to continue to allow for local flexibility in conducting regular inspections, and to avoid a possible increase in landlord/tenant tensions, I must veto this bill. I urge

city officials to take advantage of their authority to determine the frequency of inspections so that a regular inspection program that is tailored to the varying needs of the community is established.

For the reasons enumerated in this letter, I hereby respectfully disapprove this House File 800.

Sincerely,
ROBERT D. RAY
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE
SUBSEQUENT TO ADJOURNMENT OF THE 1982 REGULAR SESSION

April 28, 1982

Ms. K. Marie Thayer
Secretary of the Senate
State Capitol Building
LOCAL

I hereby certify that Senate File 2088 was published in the South Hardin Signal-Review, Hubbard, Iowa, on April 22, 1982, and in the Charles City Press, Charles City, Iowa, on April 23, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

May 3, 1982

I hereby certify that Senate File 2091 was published in the Hudson Herald, Hudson, Iowa, on April 28, 1982, and in the Bremer County Independent, Waverly, Iowa, on April 27, 1982, and in the Waverly Democrat, Waverly, Iowa, on April 29, 1982.

I further certify that House File 2371 was published in The Malvern Leader, Malvern, Iowa, on April 29, 1982, and in The Denison Bulletin, Denison, Iowa, on April 29, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

May 4, 1982

I hereby certify that the foregoing Act, House File 2427 was published in the Mount Ayr Record-News, Mount Ayr, Iowa, on April 29, 1982, and in the Waterloo Courier, Waterloo, Iowa, on April 29, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

May 10, 1982

I hereby certify that the foregoing Act, Senate File 2235 was published in The Chariton Leader, Chariton, Iowa, on April 27, 1982, and in The Sun, Mount Vernon, Iowa, on April 29, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

I hereby certify that the foregoing Act, House File 2376 was published in the Estherville Daily News, Estherville, Iowa, on May 4, 1982, and in the Storm Lake Register, Storm Lake, Iowa, on April 24, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

May 14, 1982

I hereby certify that the foregoing Act, Senate File 2238 was published in the Ankeny Press Citizen, Ankeny, Iowa, on April 29, 1982, and in the Urbandale News, Urbandale, Iowa, on May 6, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

I hereby certify that the foregoing Act, Senate File 2267 was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, on May 8, 1982, and in the Red Oak

Express, Red Oak, Iowa, on April 28, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

May 18, 1982

I hereby certify that the foregoing Act, Senate File 2190 was published in The North Scott Press, Eldridge, Iowa, on May 13, 1982, and in the Quad City Times, Davenport, Iowa, on May 7, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

May 26, 1982

I hereby certify that the foregoing Act, Senate File 2203 was published in The Altoona Herald-Mitchellville Index, Altoona, Iowa, on May 20, 1982, and in The Advocate-Enterprise-Index-Reporter, Rockwell City, Iowa, on May 13, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

May 28, 1982

I hereby certify that the foregoing Act, Senate File 2312 was published in the Eldora Herald-Ledger, Eldora, Iowa, on May 18, 1982, and in The Fairfield Daily Ledger, Inc., Fairfield, Iowa, on May 24, 1982.

I further certify that the foregoing Act, House File 2448 was published in the Delaware County Leader, Hopkinton, Iowa, on April 29, 1982, and in The Pioneer-Republican, Marengo, Iowa, on May 20, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 3, 1982

I hereby certify that the foregoing Act, Senate File 2298 was published in The

Boone News-Republican, Boone, Iowa, on May 26, 1982, and in The Madrid Register-News, Madrid, Iowa, on May 27, 1982.

I further certify that the foregoing Act, House File 2482 was published in The Hudson Herald, Hudson, Iowa, on May 27, 1982, and in The Algona Upper Des Moines, Algona, Iowa, on May 27, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

I hereby certify that the foregoing Act, House File 2362 was published in the Diamond Trail News, Sully, Iowa, on May 12, 1982, and in The Manchester Press, Manchester, Iowa, on May 12, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 8, 1982

I hereby certify that the foregoing Act, Senate File 2303 was published in the Grinnell Herald-Register, Grinnell, Iowa, on May 27, 1982, and in The Montezuma Republican, Montezuma, Iowa, on June 3, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 15, 1982

I hereby certify that the foregoing Act, Senate File 2146 was published in the Grinnell Herald-Register, Grinnell, Iowa, on May 24, 1982, and in The Sioux County Index-Reporter, Hull, Iowa, on May 26, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 18, 1982

I hereby certify that the foregoing Act, Senate File 2191 was published in the Creston News-Advertiser, Creston, Iowa, on May 14, 1982, and in The Titonka Topic, Titonka, Iowa, on May 20, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

July 2, 1982

I hereby certify that the foregoing Act, Senate File 2253 was published in the Muscatine Journal, Muscatine, Iowa, on June 8, 1982, and in The Council Bluffs Nonpareil, Council Bluffs, Iowa, on June 30, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

IN MEMORIAM

Senate

Boothby, Laurence M.	November 24, 1896—September 9, 1981
Clarke, Hugh H.	August 11, 1918—September 28, 1981
Dykhouse, Jans T.	December 9, 1889—May 24, 1981
Gilley, Floyd A.	August 25, 1902—January 27, 1982
Hoschek, Carl	August 16, 1892—December 12, 1981
Hougen, Chester O.	April 10, 1907—March 25, 1982
Shoeman, John D.	September 12, 1902—March 2, 1982

LAURENCE M. BOOTHBY

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Laurence M. Boothby, begs leave to submit the following memorial:

Laurence M. Boothby was born on a farm in Cherokee County, November 24, 1896, son of Bert and Sophia Boothby. He was married to Esther Olson on February 11, 1920, and they had two children, Burton C. and Janene. Esther died May 19, 1962.

Mr. Boothby married Helen Womble on September 28, 1968, in Birmingham, Alabama.

He lived in Cherokee County all his life, engaging in farming and livestock feeding for 39 years, retiring in 1967.

Mr. Boothby was a member of the Mount Pleasant Presbyterian Church at Cleghorn and served as elder, trustee, Sunday School Superintendent and teacher. He was a member of the Cherokee Rotary Club, American Legion, Burning Bush Chapter Crusade Commandery, Sioux City Consistory, Abu Bekr Shrine Temple and a 50-year member of Masonic Speculative Lodge 307.

He was a Navy veteran of World War I, served on the Cherokee County draft board during World War II, and was an honorary trustee of Buena Vista College at Storm Lake.

He served in the Iowa House of Representatives from 1946 to 1952 and in the Iowa Senate from 1952 to 1960. He also served on the Iowa Parole Board for several years.

Mr. Boothby died Wednesday, September 9, 1981, at the age of 85 in a Sioux City hospital after a brief illness. Survivors include his widow; one son, Burton C. of Denver, Colorado; daughter, Mrs. Richard (Janene) Duthie of Littleton, Colorado; one stepson, Carlos Womble of Lima, Ohio; four grandchildren; six step-grandchildren; and one sister, Mrs. Alberta Ressler of Storm Lake.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Laurence M. Boothby, 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 the family of the deceased.

ARNE WALDSTEIN, Chair
LUCAS J. DE KOSTER
BERL E. PRIEBE

Committee

The resolution was unanimously adopted.

HUGH H. CLARKE

MR. PRESIDENT: Your committee appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Hugh H. Clarke, begs leave to submit the following memorial:

Hugh H. Clarke was born in Conrad, Iowa, August 11, 1918, the son of John L. and Ruth H. Clarke. Mr. Clarke had lived in Des Moines since 1970.

Mr. Clarke graduated from Conrad High School in 1935 and attended Iowa State University.

He was president of Clarke Hybrid Corn Company from 1948 to 1962 and was a farmer. He was employed by the State Comptroller's office.

Mr. Clarke was past president of the Iowa Seed Dealers, past chairman of American Seed Trade Association's Hybrid Corn Division, member of Iowa State University Dean of Agriculture Advisory Committee, member of Original Board of Directors of the U.S. Seed Grain Council, and Director of Belmond Development Corporation. He was also vice president of Tomco Genetic Giant, Inc. from 1950 to 1966.

He was a member of Za-Ga-Zig Shrine Temple and the Methodist Church.

Senator Clarke served in the Iowa Senate during the 62nd and 63rd General Assemblies.

Mr. Clarke passed away September 28, 1981, at Des Moines, Iowa. He is survived by his wife, Dorothy; a daughter, Jeanne Boller of Corvallis, Oregon; two grandchildren; his mother, Ruth Boeke of Hubbard; two sisters, Mary Ahrenkiel of Bettendorf and Margaret Burt of Washington, Illinois; two stepbrothers, Jack Boeke of Hubbard and Dr. Richard Boeke of Osage; a stepdaughter, Linda Youngquist of Des Moines; and two step-grandchildren.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Hugh H. Clarke, 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.

RAY TAYLOR, Chair
JOHN N. NYSTROM
WILLIAM D. PALMER

Committee

The resolution was unanimously adopted.

JANS T. DYKHOUSE

MR. PRESIDENT: Your committee appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Jans T. Dykhouse, begs leave to submit the following memorial:

Jans T. Dykhouse was born in Hastings, Nebraska, on December 9, 1889, and moved with his parents to Lyon County, Iowa, in 1892. He was educated in the rural schools of Lyon County, Rock Rapids High School, and received a bachelor of arts degree in 1916 from the University of Dubuque. He married Dora Getting of Little Rock, Iowa, October 25, 1917, and is the father of one son and two daughters.

Mr. Dykhouse worked in banks 15 years and in 1931, entered the real estate, farm loan and insurance business, in addition to farming. He was a member of the United Methodist Church, several Masonic organizations, Rock River Country Club and Rock Rapids Gun Club.

Senator Dykhouse served two terms in the Iowa House from 1938 to 1942, and six terms in the Senate from 1942 to 1966. While in the Senate he served as chairman of the Conservation Committee. He was a Republican and represented the 24th (old) senatorial district which was changed to the 49th senatorial district—Lyon, O'Brien, Osceola and Sioux Counties.

Mr. Dykhouse died of natural causes Sunday, May 24, 1981, in a Rock Rapids hospital at the age of 91. He is survived by his son, Emerson of Rock Rapids; two daughters, Eleanor Ladd of Rock Rapids and Dorothy Dykhouse of Sioux City; four grandchildren; two brothers, Ted of Spencer and Edward of Sioux City; and one sister, Tina Peters of Little Rock.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Jans T. Dykhouse, 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.

LUCAS J. DE KOSTER, Chair
DONALD V. DOYLE
RICHARD VANDE HOEF

Committee

The resolution was unanimously adopted.

FLOYD A. GILLEY

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Floyd A. Gilley, begs leave to submit the following memorial:

Floyd A. Gilley was born August 25, 1902, in Black Hawk County. He married Edith Brause, September 27, 1923, in West Union. He is survived by his wife and daughters, Marjorie (Mrs. Edward Rouleau) and Norma (Mrs. Delbert Glew); five grandchildren; and six great-grandchildren.

Mr. Gilley was a long time resident of Maynard, Iowa, where he operated a farm for many years.

Senator Gilley was elected to the Fayette County Board of Supervisors where he served for 16 years. He was elected to the Iowa Senate and served from 1969-1972. He was active in the Masons, Eastern Star and the Iowa Farm Bureau and was a member of the First United Presbyterian Church.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Floyd A. Gilley, 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.

ROLF V. CRAFT, Chair
JAMES V. GALLAGHER
DALE L. TIEDEN

Committee

The resolution was unanimously adopted.

CARL HOSCHEK

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Carl Hoschek, begs leave to submit the following memorial:

Carl Hoschek was born in Moravia, Austria, August 16, 1892, to Adolph and Philomena Hoschek. He married Agnes C. Walsh, June 16, 1919, in West Burlington, Iowa. Mrs. Hoschek preceded him in death on November 10, 1979. Mr. Hoschek passed away December 12, 1981, at Elm View Care Center in Burlington, Iowa, at the age of 89.

He lived in Burlington, Iowa, since 1896 and was educated in the public schools. He graduated from Chicago Tech College. Mr. Hoschek's career as brickmason and contractor spanned a half century and was a member of the Brick Masons Union 35 years, serving in the capacity of president, secretary, and treasurer. He was president of the state of Iowa Brickmason Organization two terms, brick contractor 18 years and superintendent of brick construction of Iowa Ordnance Plant.

Senator Hoschek was elected state representative from Des Moines County in 1949, serving one term and was State Senator from 1956-1960. He later served as Mayor of Burlington.

A U.S. Army veteran of World War I, Mr. Hoschek was a life member of the Veterans of Foreign Wars, former commander of World War I veterans, a member of the Eagles, Brick Masons Union Local 10, the Natural Food Association and the St. Mary's Catholic Church, West Burlington, Iowa.

He is survived by one daughter, Katherine M. Jay of Burlington; two sons, Paul H. and Stephen M., both of Burlington; 19 grandchildren, and 20 great-grandchildren.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Carl Hoschek, 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.

CHARLES P. MILLER, Chair
RICHARD F. DRAKE
LOWELL L. JUNKINS

Committee

The resolution was unanimously adopted.

CHESTER O. HOUGEN

MR. PRESIDENT: Your committee appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Chester O. Hougen, begs leave to submit the following memorial:

Chester O. Hougen was born on a farm near McCallsburg in Story County, April 10, 1907, to Ole and Carrie Hougen. Mr. Hougen passed away March 25, 1982, and was preceded in death by his first wife, Louise Montgomery Hougen.

Mr. Hougen received both B.A. and J.D. degrees from the State University of Iowa and was active in the practice of law and various businesses in the Waterloo area during his lifetime. He also served, during various periods of his life, as an attorney for the Federal Land Bank and as Administrator of the Estates and Trusts Division of the Iowa Department of Revenue.

He was active in community affairs and was a long-time member of Rotary International, the Chamber of Commerce, Elks, and other civic organizations. He

also was a 32nd degree Mason, and a member of El Kahir Shrine. Mr. Hougen was also a member of the Lutheran Church.

Senator Hougen served as a member of the Iowa House in the 59th and 60th General Assemblies (1961-1965), and in the Iowa Senate in the 62nd and 63rd General Assemblies (1967-1971). He is also survived by his wife, Hazel; one son, Howard Hougen of Alexandria, Virginia; two stepdaughters, Mrs. Carla Salmon of Appleton, Wisconsin, and Mrs. Joan Sherman, New York City; one brother, Kermit Hougen of Radcliffe; three sisters, Mrs. Hazel Phillips of Story City, Mrs. Vivian Wallach, Fort Worth, Texas and Mrs. Mildred Thorson, Hays, Kansas; and four grandchildren.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That the passing of the Honorable Chester O. Hougen, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution expresses its appreciation of his service to his community, state, and nation, and tenders its sympathy and kindest regards to members of his family.

Be It Further Resolved: That a copy of this resolution be entered into the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to each member of Mr. Hougen's family.

TED ANDERSON, Chair
RICHARD COMITO
JAMES V. GALLAGHER

Committee

The resolution was unanimously adopted.

JOHN D. SHOEMAN

MR. PRESIDENT: Your committee appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable John D. Shoeman, begs leave to submit the following memorial:

Dr. John D. Shoeman was born on a farm near Waukee, Iowa, on September 12, 1902. He married Dan Oberwetter of Falfurrias, Texas, on June 6, 1928. Dr. Shoeman passed away March 2, 1982.

He graduated in veterinary medicine from Kansas State College in 1928. Dr. Shoeman was a veterinarian in Atlantic for a number of years and for nine years at Dallas Center, Iowa. He spent three years in the United States Bureau of Animal Industry and joined the staff of Walnut Grove Products Company in September, 1957, as veterinary research director.

Dr. Shoeman was a member of the Atlantic city council, served as County Republican finance chairman and was a member of the Masonic and Elks Lodges and Za-Ga-Zig Temple Shrine in Des Moines.

Senator Shoeman served as a member of the Iowa Senate in the 56th, 57th, 58th, 59th, 60th and 61st General Assemblies (1955-1966). He is survived by his wife, Dan; daughters, Mrs. JoBeth Rice of Colorado Springs, Colorado, and Mrs. Judith Williams of Charlevoix, Michigan.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa; That in the passing of the Honorable Dr. John D. Shoeman, the State has lost an honored citizen and a faithful and useful public servant, and that the Senate, by this resolution expresses its appreciation of his service to his community, state, and nation, and tenders its sympathy and kindest regards to members of his family.

Be It Further Resolved: That a copy of this resolution be entered into 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.

JAMES D. BRILES, Chair
C.W. BILL HUTCHINS
NORMAN RODGERS

Committee

The resolution was unanimously adopted.

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FEDERAL AGENCIES—

(See President of the United States, Congress and/or Federal Agencies)

GALLAGHER, JAMES V.—Senator Sixteenth District

Bills introduced—13, 61, 204, 258, 264, 291, 354, 368
 Amendments filed—328, 422, 450, 515, 562, 577, 685, 686, 725, 752, 867, 876,
 906, 1100, 1181, 1294, 1322, 1402, 1403
 Amendments offered—755, 759, 786, 872, 876, 963, 1188, 1402
 Committee appointments—401, 1150, 1333, 1494
 Official delegate to funeral of Representative Kenneth Miller—499
 Reports—1458-1459, 1495
 Resolutions offered—904-905, 997, 1012-1013, 1049-1050, 1179, 1190-1191,
 1260-1261, 1353-1354
 Subcommittee assignments—84, 85, 147, 148, 151, 153, 155, 248, 308, 309,
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 Subcommittee assignments, governor's appointments—694

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Resolutions relating to:

- Senate Concurrent Resolution 39, public instruction consolidate independent administrative functions of districts, appoint reorganization com.—85 (carried over from 1981 Reg. Session)
- Senate Concurrent Resolution 105, adjourn 3-19-82; special session 6-14-82—656-657, 694, 842, 843
- Senate Concurrent Resolution 111, Des Moines zoo official zoo of Iowa, G.A. support improvements, etc.—852, 879, 932
- Senate Concurrent Resolution 114, bldgs. & facilities of state & political subdivisions & their agencies accessible to disabled—931, 945, 1015
- Senate Concurrent Resolution 115, April, 1982, "Reading Month in Iowa"—961-962, 985, 1210, 1256, 1465, HCR143 substituted on 1466
- Senate Concurrent Resolution 123, repeal SJR 1 (1979 session), constitutional convention—1190-1191, 1246
- Senate Concurrent Resolution 128, ten-year bldg. program, bd. of regents—1328-1331, 1317, 1320, 1348, 1377, 1378, 1396-1399, 1405-1410 adopted
- Senate Concurrent Resolution 137, interim studies, legislative council—1425-1426, 1448 adopted
- Senate Concurrent Resolution 138, 1982 Reg. Session, Sixty-ninth General Assembly adjourn sine die Sat., April 24, 1982—1485 adopted
- Senate Resolution 16, reasons for rejection, reapportionment plan—95 withdrawn (carried over from 1981 Reg. Session)
- Senate Resolution 101, permanent rules amended, 1982 Reg. Session—9-12, 43, 82 adopted
- Senate Resolution 102, extend best wishes and support to Darlene Frazier for National Teacher of the Year—223-224, 260, 308
- Senate Resolution 105, governor's appointments, list of—265-268, 275, 315 adopted
- Senate Resolution 106, Senate Code of Ethics, same as 1981 Reg. Session—268, 297, 317 adopted
- Senate Resolution 107, invite governor to address general assembly on 2-11-1982, effects of fed. budget on state gov't.—290-291, 310, 445
- Senate Resolution 110, learning disabilities & dyslexia, educ. science—617-618, 635, 647, 843
- Senate Resolution 113, Senate legislative expenses—1011-1012, 1022, 1466-1467 adopted
- Senate Resolution 114, Senate members, 12 yrs. or more, retiring, receive chairs & desks—1183-1184, 1246, 1486
- Senate Resolution 116, Senate extend appreciation to Senator Bisenius for his services—1456-1457 adopted
- Senate Resolution 117, Senate extend appreciation to Senator Comito for his services—1457-1458 adopted
- Senate Resolution 118, Senate extend appreciation to Senator Craft for his services—1458 adopted
- Senate Resolution 119, Senate extend appreciation to Senator DeKoster for his services—1470-1471 adopted

- Senate Resolution 120, Senate extend appreciation to Senator Kudart for his services—1471 adopted
- Senate Resolution 121, Senate extend appreciation to Senator Murray for his services—1472 adopted
- Senate Resolution 122, Senate extend appreciation to Senator Ramsey for his services—1472-1473 adopted, 1486
- Senate Resolution 123, Senate extend appreciation to Senator Rush for his services—1473-1474 adopted
- Senate Resolution 124, Senate pay tribute to Senator Charles Miller for 20 years of leg. service—1474 adopted
- Senate Resolution 125, Senate pay tribute to Senator Doyle for 20 years of leg. service—1474-1475 adopted
- House Concurrent Resolution 2, presidential election returns—86 (carried over from 1981 Reg. Session)
- House Concurrent Resolution 6, litigation, Wilson, et al. v. Omaha Indian Tribe, et al., support Iowa claimants—990, 995, 1455- 1456 as amended adopted (carried over from 1981 Reg. Session)
- House Concurrent Resolution 15, practical & cost effective way, audit & review, bd. of regents—5, June, 1981 Extraordinary Session -44, 86 (carried over from June, 1981 Extraordinary Session)
- House Concurrent Resolution 38, honor Code Editor, Wayne A. Faupel, 50 yrs. of service—92, 127 adopted (carried over from 1981 Reg. Session)
- House Concurrent Resolution 106, state employees use understandable language in reports—256, 279, 349, 390, 590, 1394
- House Concurrent Resolution 107, Missouri River compact—256-257, 279, 364, 367, 390, 590 adopted
- House Concurrent Resolution 118, evaluation of impact of proposed legislation on Iowa families—868-869, 893, 988, 1017, 1276, 1307, 1394
- House Concurrent Resolution 119, March 7, 1982, "Women's History Week"—624-625, 649, 696, 845, 703 adopted
- House Concurrent Resolution 123, March 21, 1982, "Iowa Nutrition Week"—690, 717, 773, 841-842 adopted
- House Concurrent Resolution 129, dept. of health collect info re child custody & support—851, 879, 933
- House Concurrent Resolution 130, Governor's Dairy Month Proclamation, milk official state beverage—922-923, 945, 958-959, 1017, 1104 adopted
- House Concurrent Resolution 143, April, 1982, "Reading Month in Iowa"—1297, (substituted for SCR 115 on 1466 & adopted)
- House Concurrent Resolution 144, April 19, 1982, "Dutch American Friendship Day"—1326, 1373

GENTLEMAN, JULIA B.—Senator Thirty-third District

Bills introduced—240, 291, 342, 415, 426

Amendments filed—367, 686, 698, 1053, 1069, 1100, 1151, 1167, 1181, 1182, 1248, 1281, 1324, 1356

Amendments offered—371, 1053, 1116, 1157, 1188, 1251, 1281, 1309, 1334, 1356
 Amendments withdrawn—1075, 1095, 1158, 1251
 Committee appointments—6, 1372, 1390
 Presented Jean Marc Briquet, Borg La Reine, France, exchange student attending Dowling, guest of Mr. & Mrs. Don Hauser—900
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 Resolutions offered—852, 1190-1191, 1260-1261
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 Subcommittee assignments, governor's appointments—88, 103, 942

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GOODWIN, NORMAN J.—Senator Thirty-ninth District

Bills introduced—291, 354, 580, 585
 Amendments filed—600, 857
 Amendments offered—228, 282
 Committee appointments—1333
 Reports—1458-1459
 Resolutions offered—904-905, 1012-1013, 1049-1050, 1260-1261
 Subcommittee assignments—83, 84, 85, 86, 149, 150, 151, 153, 156, 157, 246, 247, 307, 308, 309, 389, 444, 445, 446, 529, 530, 619, 620, 715, 844, 932, 1016, 1486
 Subcommittee assignments, governor's appointments—718, 772

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101-7-8, 9 adopted.

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GRATIAS, ARTHUR L.—Senator Seventh District

Bills introduced—14, 60, 122, 142, 222, 291, 300

Amendments filed—332, 367, 411, 439, 655, 686, 826, 867, 901

Amendments offered—384, 439, 520, 525, 787

Called up reports of investigating committees—1244

Investigating committee reports—968

Presided at sessions of the Senate—806

Resolutions offered—617-618, 904-905, 1012-1013, 1049-1050, 1260-1261

Rulings—808

Subcommittee assignments—83, 85, 147, 148, 150, 156, 247, 248, 249, 388,
389, 390, 446, 529, 530, 620, 843, 844, 845, 933, 1256, 1486

Subcommittee assignments, governor's appointments—718, 771

HESTER, JACK W.—Senator Twenty-seventh District

Bills introduced—291, 300, 320, 354

Amendments filed—449, 646, 775, 798, 857, 1069, 1100, 1198, 1294, 1323,
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Amendments offered—646, 1198, 1427

Amendments withdrawn—1197

Petitions presented—402

Resolutions offered—1012-1013, 1260-1261

Subcommittee assignments—83, 149, 152, 153, 154, 156, 246, 249, 308, 309,
388, 444, 445, 446, 447, 529, 530, 619, 620, 715, 716, 844, 1016, 1121, 1486

**HOLDEN, EDGAR H.—Senator Fortieth District, Assistant Majority Floor
Leader**

Bills introduced—13, 15, 58, 59, 100, 190, 240, 291, 354, 403

Amendments filed—93, 120, 143, 272, 288, 367, 411, 464, 501, 623, 698, 728,
752, 798, 882, 883, 920, 983, 1024, 1068, 1100, 1205, 1234, 1248, 1294,
1314, 1322, 1323, 1349, 1360, 1363, 1370, 1378, 1383, 1387

Amendments offered—124, 143, 272, 282, 288, 440, 441, 464, 639, 781, 903,
962, 983, 1028, 1112, 1127, 1205, 1218, 1314, 1360, 1363, 1391

Amendments withdrawn—143, 288, 1163, 1284, 1360, 1387, 1391, 1466

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Resolutions offered—1147-1148, 1260-1261, 1312

Subcommittee assignments—83, 84, 148, 149, 152, 153, 154, 155, 156, 246,
247, 248, 307, 308, 388, 389, 391, 444, 446, 619, 620, 716, 843, 845, 932,
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HULSE, MERLIN D.—Senator Twelfth District

Bills introduced—124, 222, 281, 291, 354, 580, 585
 Amendments filed—367, 901, 920
 Called up reports of investigating committees—1243-1244
 Investigating committee reports—773, 823
 Resolutions offered—224-225, 1260-1261
 Subcommittee assignments—83, 85, 86, 147, 150, 151, 248, 308, 389, 390,
 391, 445, 529, 530, 620, 715, 844, 932, 1015, 1016, 1486
 Subcommittee assignments, governor's appointments—793
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HULTMAN, CALVIN O.—Senator Forty-ninth District, Majority Floor Leader

Bills introduced—15, 141, 291, 473, 567, 711, 800, 984, 1055, 1119, 1120, 1343
 Amendments filed—515, 725, 975, 1311
 Amendments offered—831, 1195
 Amendments withdrawn—641, 1310
 Called up reports of investigating committees—269, 1172, 1238-1239 1445-
 1446
 Committee appointments—741
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 in the Senate Chamber during debate of SF 2273—924
 Received consent to rearrange existing Steering Calendar—1004, 1044
 Reports—6-7, 42, 86-87, 129-130, 693, 745-746, 751, 754, 770-771, 777, 805-
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 Request Kathleen Neylan and Walter L. Saur, appointees, be excused from
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 Request, individual confirmation calendar—1178
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Bills introduced—404, 639, 692, 714

Amendments filed—920, 946, 995

Amendments offered—1078, 1082

Amendments withdrawn—1095

Subcommittee assignments—147, 148, 151, 389, 446, 530, 531, 844, 845, 933, 1015, 1016, 1017, 1486

HUSAK, EMIL J.—Senator Thirty-sixth District

Bills introduced—13, 14, 15, 142, 204, 222, 240, 258, 291, 354, 404, 443

Amendments filed—238, 244, 299, 450, 478, 515, 562, 600, 756, 883, 901, 920, 935, 1064, 1161, 1323, 1378, 1419, 1431, 1432

Amendments offered—756, 1064, 1161, 1195, 1431, 1432

Official delegate to funeral of Representative Kenneth Miller—499

Presided at sessions of the Senate—501, 1198, 1220, 1337, 1405

Resolutions offered—387, 656-657, 904-905, 1012-1013, 1049-1050, 1179, 1190-1191, 1260-1261

Rulings—1221

Subcommittee assignments—83, 85, 148, 151, 155, 156, 248, 308, 388, 389, 530, 619, 620, 715, 1015, 1016, 1021, 1121

Subcommittee assignments, governor's appointments—794

HUTCHINS, C.W. Bill—Senator Twenty-eighth District, Assistant Minority Floor Leader

Bills introduced—13, 141, 204, 222, 258, 264, 291, 354

Amendments filed—177, 180, 189, 238, 242, 332, 350, 449, 450, 471, 483, 486, 549, 577, 600, 636, 698, 727, 728, 752, 765, 775, 826, 847, 857, 867, 901, 903, 920, 935, 981, 1100, 1101, 1125, 1126, 1151, 1181, 1211, 1212, 1254, 1258, 1295, 1307, 1356, 1363, 1369, 1400, 1419, 1453

Amendments offered—242, 486, 647, 756, 763, 765, 789, 903, 998, 1125, 1126, 1159, 1204, 1254, 1307, 1356, 1369, 1400

Amendments withdrawn—177, 486, 708, 1075, 1076, 1128, 1160

Committee appointments—6, 1023-1024

Reports—200, 401, 741, 1023-1024, 1150

Resolutions offered—290-291, 742-743, 904-905, 1012-1013, 1190-1191, 1260-1261, 1326-1327

Subcommittee assignments—84, 85, 147, 149, 150, 151, 152, 153, 155, 156, 246, 249, 307, 308, 309, 389, 390, 391, 444, 446, 447, 529, 619, 620, 621, 717, 843, 844, 845, 932, 933, 1016, 1017, 1486

Subcommittee assignments, governor's appointments—88, 103, 794, 942

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 Priebe & Rev. James Carpenter—411
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 Michelle Holdorff, 1981 Sweetheart of the Shriner's International Clown's
 Association—1070
 Stephen S.F. Chen, Dir. Chicago Office Coordination Council for North
 American Affairs, Rep. of China—1215
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 1373
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JENSEN, JOHN W.—Senator Nineteenth District

- Bills introduced—60, 142, 240, 291, 354, 580, 585
 Amendments filed—99, 209, 299, 318, 328, 422, 600, 698, 775, 798, 883, 901,
 935, 945, 1025, 1100, 1101, 1123, 1126, 1212, 1235, 1294, 1303, 1323,
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 Amendments offered—99, 318, 328, 910, 949, 1009, 1215, 1235, 1303, 1358,
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 Committee appointments—741, 1371
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 Resolutions offered—961-962, 1260-1261, 1297-1298
 Subcommittee assignments—83, 85, 147, 151, 152, 153, 155, 156, 158, 246,
 247, 248, 307, 308, 388, 389, 390, 444, 445, 446, 447, 529, 530, 620, 621,
 716, 844, 845, 932, 933, 1121, 1256
 Subcommittee assignments, governor's appointments—103, 771, 772
 Presented Dottie Heering, Waverly-Shell Rock Community Schools, Iowa's
 Reading Teacher of the Year—1247

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 House Concurrent Resolution 111—315-316, 318 adopted
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 563, 586, 618, 691, 692, 711, 712, 713, 729, 853
 Amendments filed—200, 367, 436, 498, 901, 920, 975, 995, 1025
 Amendments offered—321, 889, 1052, 1056, 1078, 1084, 1090, 1106, 1220,
 1221, 1229, 1455
 Investigating committee reports—132, 133, 894
 Reports—747, 1475
 Resolutions offered—691
 Subcommittee assignments—84, 85, 86, 149, 150, 151, 152, 153, 155, 156,
 157, 246, 248, 249, 307, 309, 388, 389, 391, 392, 444, 445, 446, 530, 531,
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 Subcommittee assignments, governor's appointments—88, 117, 771, 772

JUNKINS, LOWELL L.—Senator Forty-third District, Minority Floor Leader

Bills introduced—13, 14, 122, 204, 239, 264, 291, 382, 711, 800, 984, 1055,
 1119, 1120, 1343
 Amendments filed—177, 180, 189, 200, 238, 282, 449, 450, 471, 515, 698, 752,
 1101, 1295, 1378, 1400
 Amendments offered—210, 241, 282
 Amendments withdrawn—241
 Committee appointments—200, 741
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 Received consent that John Raife, Rolland Grefe, Maurice E. Stark, Larry
 Ward, Steven Gold and Peter Fisher be permitted in Senate lounge, HF
 2171—413-414
 Requests, individual confirmation calendar—279
 Resolutions offered—224-225, 290-291, 567-568, 873, 904-905, 1012-1013,
 1049-1050, 1179, 1190-1191, 1260-1261, 1457-1458, 1458, 1470-1471,
 1471, 1472, 1472-1473, 1473, 1474, 1474-1475, 1485
 Subcommittee assignments—85, 86, 154, 247, 248, 308, 388, 389, 390, 445,
 715, 843, 932, 933, 1015, 1017, 1121, 1256, 1486

Thanked Senate for gift—1439

KINLEY, GEORGE R.—Senator Thirty-fourth District

Bills introduced—13, 123, 222, 291
 Amendments filed—450, 924, 1181, 1211, 1234, 1314, 1387, 1407
 Amendments offered—194, 924
 Resolutions offered—852, 904-905, 1049-1050, 1079, 1090-1091, 1260-1261
 Subcommittee assignments—83, 84, 147, 148, 150, 156, 247, 308, 391, 620

KUDART, A.R. Bud—Senator Thirteenth District

Bills introduced—142, 204, 291, 302
 Amendments filed—329, 381, 515, 562, 775, 1024, 1047, 1058, 1062, 1152, 1181, 1211, 1212
 Amendments offered—329, 587, 589, 782, 1056, 1058, 1061, 1062, 1080, 1084, 1220, 1229
 Amendments withdrawn—1062
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 Committee appointments—1397, 1423
 Presided at sessions of the Senate—41, 909
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 Resolutions offered—1190-1191, 1260-1261
 Subcommittee assignments—84, 85, 149, 150, 153, 156, 157, 246, 248, 249, 307, 309, 389, 391, 392, 444, 445, 446, 530, 531, 619, 621, 715, 716, 844, 932, 933, 1015, 1016
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 Resolutions offered—820
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 Subcommittee assignments, governor's appointments—718, 772

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- Reassignment of bills—647, 1178
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- Conference committees appointed—1316, 1333, 1371, 1372, 1390
- Petitions presented—45
- Point of order, HF 2387, taken under advisement (later withdrawn)— 1088
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- Presented Chief Justice Reynoldson in joint convention—454
- Presented the Honorable Noel Davern, Government Member of the House of Parliament, Republic of Ireland from Dublin Ireland—741
- Presented Michelle Holdorf, 1981 Sweetheart of the Shriner's International Clown's Ass'n., guest of Senator Hulse—1070
- Presided at committee of the whole—413, 414
- Presided at joint conventions—16, 333, 334, 454
- Presided at sessions of the Senate—3, 16, 46, 58, 81, 82, 95, 100, 113, 121, 122, 140, 142, 176, 178, 191, 202, 205, 221, 223, 239, 243, 255, 257, 259, 263, 264, 268, 280, 292, 300, 302, 313, 319, 333, 340, 351, 354, 368, 369, 382, 386, 397, 398, 403, 404, 412, 415, 425, 426, 427, 437, 438, 452, 462, 480, 482, 485, 486, 488, 493, 499, 501, 502, 516, 523, 536, 541, 550, 558, 563, 578, 582, 584, 589, 601, 629, 638, 643, 656, 680, 687, 689, 690, 699, 704, 726, 738, 740, 753, 757, 764, 776, 786, 799, 805, 809, 827, 848, 854, 856, 868, 871, 874, 884, 886, 891, 902, 904, 906, 909, 921, 923, 936, 947, 960, 963, 965, 977, 980, 984, 996, 1005, 1026, 1039, 1048, 1055, 1058, 1070, 1083, 1094, 1104, 1112, 1116, 1125, 1157, 1166, 1172, 1183, 1187, 1197, 1198, 1213, 1220, 1227, 1231, 1234, 1235, 1249, 1259, 1273, 1287, 1296, 1307, 1312, 1325, 1333, 1336, 1337, 1342, 1350, 1359, 1369, 1379, 1386, 1389, 1393, 1394, 1396, 1409, 1421, 1431, 1435, 1444, 1458, 1477, 1482
- Received “kiss” and package of Pella Dutch pastries from Pella Tulip Queen, Nancy Thies—1162
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- The Honorable Joe Wilson, former member of the Senate—366-367
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 The Honorable James Redmond, former member of the Senate—380
 The Honorable Thomas J. Dailey, former member of the Senate—600
 The Honorable Irvin L. Bergman, former member of the House and Senate—751
 Eduardo Choquis exchange student from Argentina, guest of Senator Jensen—797-798
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 The Honorable Vera H. Shivers, former member of the Senate—1211
 The Honorable John Walsh, former member of the Senate—1246
 The Honorable Robert Burns, former member of the Senate—1247
 Eva-Maria Schwarz from Copenhagen, Denmark, exchange student, guest of Senator Junkins—1247
 The Honorable Milo Merritt, former member of the Senate—1348
 The Honorable Norman A. Erbe, former Governor of Iowa from Boone, guest of Senator Nystrom—995
 Vern Den Herder, wife Diane and children, retiree of the Miami Dolphins—477
 Anne Marie Horneman, exchange student from Denmark, guest of Senator Priebe and Rev. James Carpenter—411
 Thanked Senate for gift—1439
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(See Ethics, Committee on)

- LURA, MICHAEL (Mick)—Senator Twentieth District
 Bills introduced—122, 240, 291, 580, 585
 Amendments filed—167, 208, 449, 472, 478, 486, 739, 752, 775, 826, 882, 901, 920, 1047, 1062, 1069, 1100, 1126, 1248, 1281, 1314
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 Committee appointments—1397
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 Subcommittee assignments—84, 147, 148, 149, 150, 151, 152, 153, 154, 157, 247, 248, 307, 308, 309, 388, 390, 391, 392, 444, 446, 529, 530, 619, 620, 621, 715, 716, 844, 845, 932, 933, 1015, 1016, 1256
 Subcommittee assignments, governor's appointments—88, 772

- MAJORITY FLOOR LEADER, Calvin O. Hultman—Senator Forty-ninth District
 (See Hultman, Calvin O.—Senator Forty-ninth District, Majority Floor Leader)

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Committee appointments—200, 401, 1023-1024, 1150
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 Supplemental reports—200, 401, 1023-1024, 1150

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MILLER, ALVIN V.—Senator Sixth District

Bills introduced—13, 141, 168, 204, 264, 281, 291, 354, 368
 Amendments filed—238, 367, 450, 451, 876, 1212, 1254, 1258, 1294, 1323,
 1419
 Committee appointments—1371, 1390
 Reports—1440, 1461-1462
 Resolutions offered—904-905, 1012-1013, 1049-1050, 1190-1191, 1260-1261
 Subcommittee assignments—83, 84, 147, 151, 152, 307, 620, 933, 1016, 1017

MILLER, CHARLES P.—Senator Forty-second District

Bills introduced—13, 62, 121, 122, 141, 142, 204, 223, 239, 264, 281, 291
 Amendments filed—220, 238, 367, 450, 655, 867, 959, 976, 1025, 1101, 1124,
 1295, 1418
 Amendments offered—1076, 1303
 Amendments withdrawn—551, 1118
 Committee appointments—200, 1390
 Petitions presented—188
 Reports—1440
 Requests, individual confirmation calendar—895
 Resolutions offered—542-543, 579-580, 904-905, 1012-1013, 1049-1050, 1179,
 1190-1191, 1260-1261
 Subcommittee assignments—147, 148, 149, 151, 153, 156, 246, 308, 309, 445,
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MINORITY FLOOR LEADER, Lowell L. Junkins, Senator Forty-third District
(See Junkins, Lowell L.—Senator Forty-third District, Minority Floor
Leader)

MOTIONS TO RECONSIDER AND RULINGS—

Motions to reconsider—

Filed:

Senate File 525, S-5029—232
 Senate File 525—237
 Senate File 525—238
 Senate File 560, S-5018—199
 Senate File 560, S-3742—211
 Senate File 560, S-5047—211
 Senate File 560—220
 Senate File 2037—621
 Senate File 2103—317
 Senate File 2109—822
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 Senate File 2178, S-5183—793
 Senate File 2203—576
 Senate File 2218—741-742
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 Senate File 2233, S-5289A—920
 Senate File 2243, S-5225—809
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 Senate File 2276, S-5278—919
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 Senate File 2299, S-5517—1208
 Senate File 2299, S-5622—1236
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 Senate File 2299—1237
 Senate File 2299—1257
 Senate File 2300—1129
 Senate File 2300—1151
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 Senate Concurrent Resolution 128, S-5783—1408
 Senate Concurrent Resolution 128, S-5784—1408
 Ballou, Stephen W., Director of Environmental Quality—1245
 House File 303, S-3506—559
 House File 303, S-3506—560
 House File 303, S-3417—560
 House File 748—1046

House File 800—1208
 House File 800, S-5444—1284
 House File 833—585
 House File 844—1208
 House File 855, S-5156—504
 House File 2090, S-5105—1180
 House File 2090, S-5105—1208
 House File 2090—1246
 House File 2171, S-5122—476
 House File 2218 (2)—1119
 House File 2334—859
 House File 2334—878
 House File 2336, S-5173—594
 House File 2336—594
 House File 2369, S-5448J—1067
 House File 2369, S-5493—1099
 House File 2426—1121
 House File 2435, S-5459—1309
 House File 2439—1488
 House File 2460—1167
 House File 2493—1447
 Final disposition of motions to reconsider filed—1492-1493

Deferred:

Senate File 2103—658

Prevailed:

Senate File 560, S-5018—210
 Senate File 2037—803-804
 Senate File 2103—780
 Senate File 2130—615
 Senate File 2218, S-5227—742
 Senate File 2218—1483
 Senate File 2243, S-5225—809-810
 Senate File 2286, S-5275—952
 Senate File 2299—1313
 Senaté File 2304, S-5718—1368
 Senate Concurrent Resolution 128, S-5784—1409
 House File 303, S-3506—1075
 House File 303, S-3417—1075
 House File 800—1283-1284
 House File 800, S-5444—1284
 House File 2369, S-5448J—1163-1164
 House File 2369, S-5493—1166
 House File 2426—1333-1334
 House File 2435, S-5459—1309
 House File 2460—1167

Lost:

Senate File 560, S-3742—211
 Senate File 2178, S-5183—840
 Senate File 2233, S-5289A—949-950

Senate File 2243—905-906
 Senate File 2299, S-5517—1233-1234
 Senate File 2299, S-5622—1236
 Senate File 2304, S-5620—1364
 House File 855, S-5156—504-505
 House File 2090, S-5105—1216
 House File 2336—658-659

Withdrawn:

Senate File 525, S-5029—232
 Senate File 525 (2)—832
 Senate File 560—1423
 Senate File 2109—1027
 Senate File 2120—614
 Senate File 2203—616-617
 Senate File 2292—1227
 Senate File 2300 (2)—1171
 Senate File 2304, S-5588—1364
 Senate File 2304—1468
 Senate Concurrent Resolution 128, S-5783—1409
 Ballou, Stephen W., Director of Environmental Quality—1280
 House File 748—1227
 House File 833—923
 House File 844—1283
 House File 2090—1382
 House File 2171, S-5122—485
 House File 2218 (2)—1184
 House File 2334—1155
 House File 2334—1158-1159

Ruled out of order (motions to reconsider filed)—

Senate File 560, S-5047 to S-3742—211
 Senate File 2243—906
 Senate File 2299, S-5625 to S-5622—1236
 Senate File 2299—1316
 House File 303, S-3506—1075
 House File 2090, S-5105—1216
 House File 2336, S-5173—659

MURRAY, JOHN S.—Senator Twenty-first District, Assistant Majority

Floor Leader

Bills introduced—15, 61, 141, 291, 354

Amendments filed—144, 470, 562, 570, 616, 698, 840, 867, 883, 939, 975,
 1123, 1158, 1167, 1323, 1349, 1402, 1403, 1419, 1459

Amendments offered—570, 838, 939, 1052, 1083, 1125, 1158, 1167 1337,
 1402, 1403, 1459

Amendments withdrawn—1447

Committee appointments—454, 1372

Received consent that John Raife, Rolland Grefe, Maurice E. Stark, Larry
 Ward, Steven Gold and Peter Fisher be permitted in Senate chamber
 and consult in Senate lounge, HF 2171—414

- Reports—1462
- Resolutions offered—904-905, 1190-1191, 1260-1261, 1312
- Subcommittee assignments—84, 86, 147, 149, 150, 151, 152, 153, 155, 157, 246, 248, 249, 307, 309, 388, 391, 392, 444, 445, 529, 619, 620, 621, 715, 716, 843, 844, 845, 933, 1016
- Subcommittee assignments, governor's appointments—88, 772

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- Appointees, investigation of—87
- Bills introduced—370, 427, 541, 586, 628, 692, 730-731
- Amendments filed—367, 498, 920, 1024, 1025
- Amendments offered—228, 322, 590, 603, 1071, 1114, 1116, 1185
- Investigating committee reports—158, 968, 1374
- Subcommittee assignments—83, 84, 85, 86, 149, 150, 155, 156, 157, 249, 307, 308, 309, 389, 390, 391, 444, 445, 446, 619, 620, 716, 844, 845, 932, 933, 1016
- Subcommittee assignments, governor's appointments—103, 942

NYSTROM, JOHN N.—Senator Twenty-second District, Assistant Majority Floor Leader

- Bills introduced—13, 122, 123, 142, 222, 291
- Amendments filed—367, 577, 655, 798, 1101, 1294, 1348, 1377, 1378
- Amendments offered—639, 840, 1041, 1339, 1398
- Amendments withdrawn—1398
- Committee appointments—200, 741, 1316
- Investigating committee reports—250, 861
- Presented Darlene Frazier, Boone, Iowa's 1981-82 Teacher of the Year—1259
- Presided at sessions of the Senate—41, 423, 485, 627, 1203
- Reports—1484
- Resolutions offered—223-224, 904-905, 1260-1261, 1327
- Subcommittee assignments—147, 148, 149, 151, 153, 156, 247, 307, 309, 310, 389, 390, 444, 446, 447, 529, 530, 715, 716, 717, 843, 932, 933, 1121

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- By Secretary of the Senate—5-6
- By Senate personnel—5-6

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- Permanent officers elected and took oath of office—5-6, 7
- Pages—6-7
- Senate employees—5-6

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- Appointment of—6-7
- Lieutenant Governor's page appointed—7
- Took oath of office—7

Presented check to Linda Jackson, Executive Director of the Polk County Chapter of the American Cancer Society, \$1,182.00—977
 Received Certificate of Excellence—1394

PALMER, WILLIAM D.—Senator Thirty-second District

Bills introduced—13, 59, 203, 204, 291
 Amendments filed—238, 282, 449, 450, 451, 867, 945, 946, 975, 995, 1100, 1212, 1314, 1443
 Amendments offered—453,
 Amendments withdrawn—463
 Committee appointments—200
 Resolutions offered—852, 904-905, 1012-1013, 1049-1050, 1190-1191, 1260-1261
 Subcommittee assignments—147, 148, 149, 150, 154, 246, 247, 308, 309, 389, 444, 446, 529, 530, 531, 619, 620, 715, 843, 933, 1015, 1016, 1121

PARLIAMENTARIAN/ASSISTANT SECRETARY OF THE SENATE, Kim D. Schmett—Appointment—3, 5

PERSONNEL COMMITTEE—

(See Officers and Employees of the Senate and/or Rules and Administration, Committee on)

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 Senate File 312, S-5063 - Senator Readinger—282
 Senate File 446, not eligible - Senator Lura—782
 Senate File 464, refer to Appropriations - Senator Junkins—1142
 Senate File 522, S-5002 - Senator Slater—99
 Senate File 525, S-5049 - Senator DeKoster—231
 Senate File 525, S-5050 - Senator Slater—231
 Senate File 560, S-3745 - Senator Craft—174
 Senate File 560, S-3629 - Senator Readinger—194
 Senate File 560, S-5048 - Senator Craft—209
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 Senate File 2157, S-5101 - Senator Junkins—520
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 Senate File 2178, refer to Appropriations - Senator Murray—640

- Senate File 2180, refer to Ways & Means - Senator Van Gilst—553
 Senate File 2218, refer to State Government - Senator Murray—568
 Senate File 2218, refer to Appropriations - Senator Junkins—875
 Senate File 2218, refer to Appropriations - Senator Junkins—886
 Senate File 2239, S-5597 - Senator DeKoster—1285
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 Senate File 2304, S-5745 - Senator Priebe—1359
 Senate File 2304, S-5740 - Senator Small—1360
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 House File 800, S-5572 - Senator Husak—1169
 House File 855, S-5159 - Senator Drake—504
 House File 2090, S-5105 - Senator Carr—711
 House File 2111, S-5421 as amended - Senator Lura—1079
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 House File 2336, motion to reconsider, Senate Rule 9 - Senator DeKoster—658
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Senate File 560, S-5048—209
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Senate File 2157, S-5101—520
Senate File 2266, S-5285—783
Senate File 2299, S-5599—1234
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Senate Concurrent Resolution 128, S-5751—1399
House File 772, S-5097—537
House File 2171, S-5147—485
House File 2369, S-5470—1063
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Senate File 2304, S-5755—1369
Senate File 2312, S-5799—1453
House File 777, S-5327—1220
House File 777, S-5323—1221
House File 855, S-5159—504
House File 2111, S-5421—1079
House File 2171, S-5125—471
House File 2336, S-5174—569
House File 2344, S-5165—1084
House File 2351, S-5682—1311
House File 2357, S-5442—981

House File 2369, S-5290—1061
 House File 2398, S-5447—1072
 House File 2457, S-5409—1115
 House File 2465, S-5534—1112
 House File 2465, S-5513—1113
 House File 2479, S-5800—1452
 House File 2485, S-5749—1435
 House File 2494, S-5779—1404

Ruled well taken:

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 Senate File 2218, refer to State Government—568
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 House File 2339, refer to Appropriations—1029

Ruled not well taken:

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 Senate File 464, refer to Appropriations—1250

Withdrawn:

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 Senate File 2180, refer to Ways and Means—553
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 House File 792, refer to Appropriations—1042
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 House File 2090, S-5105—711
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(See also Addressed the Senate, Introductions, and/or Gifts)

Dick and Mary Hahn, Scott Co., outstanding farm couple—255
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 Senator Comito, SR 117—1457-1458
 Senator Craft, SR 118—1458
 Senator DeKoster, SR 119—1470-1471, 1475
 Senator Doyle, SR 125—1474-1475
 Senator Kudart, SR 120—1471
 Senator Miller, Charles, SR 124—1474
 Senator Murray, SR 121—1472
 Senator Ramsey, SR 122—1472-1473
 Senator Rush, SR 123—1473

SLATER, TOM—Senator Fiftieth District

Bills introduced—13, 204, 240, 281, 291, 342
 Amendments filed—189, 220, 238, 367, 450, 451, 471, 569, 752, 775, 798, 826,
 871, 882, 1068, 1069, 1100, 1112, 1125, 1181, 1185, 1248, 1323, 1349,
 1459
 Amendments offered—226, 227, 569, 807, 871, 1082, 1338, 1361, 1362, 1459
 Committee appointments—1316
 Reports—1484
 Resolutions offered—258-259, 904-905, 1012-1013, 1179, 1190-1191, 1260-
 1261
 Subcommittee assignments—83, 85, 86, 147, 148, 149, 151, 152, 156, 247, 248,
 307, 308, 309, 310, 389, 390, 444, 446, 529, 530, 531, 619, 620, 715, 716,
 843, 845, 932, 933, 1015, 1016, 1121, 1486

SMALL, JR., ARTHUR A.—Senator Thirty-seventh District

Bills introduced—203, 240, 291, 320, 473
 Amendments filed—144, 238, 381, 422, 450, 451, 469, 471, 478, 485, 504, 600,
 614, 698, 808, 867, 883, 959, 962, 964, 976, 1053, 1061, 1069, 1100, 1127,
 1167, 1181, 1199, 1201, 1236, 1295, 1481
 Amendments offered—144, 469, 471, 485, 504, 711, 808, 952, 962, 964, 1053,
 1061, 1075, 1090, 1091, 1127, 1157, 1199, 1201, 1230, 1481
 Amendments withdrawn—614, 1061, 1076, 1128, 1157, 1199, 1218, 1219
 Committee appointments—1397
 Received consent that John Raife, Rolland Grefe, Maurice E. Stark, Larry
 Ward, Steven Gold and Peter Fisher be permitted in Senate chamber,
 HF 2171—414
 Reports—861, 1046, 1440
 Resolutions offered—904-905, 1012-1013, 1179, 1190-1191, 1260-1261
 Subcommittee assignments—84, 149, 153, 156, 157, 246, 247, 248, 249, 307,
 388, 390, 391, 392, 445, 446, 530, 619, 715, 716, 844, 845, 933, 1016, 1256
 Subcommittee assignments, governor's appointments—117, 771, 772

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SPECIAL ORDER—

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Maurice E. Baringer, Chairman

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Claims (approved)—67-77

Claims (disapproved)—63-66, 116-117, 448, 1018, 1345

Claim change (approved)—1256-1257

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Appointees, investigation of—86, 693

Bills introduced—179, 342, 353, 404, 503, 528, 537, 643, 657, 661, 712, 713, 730

Amendments filed—254, 350, 515, 945

Amendments offered—170, 329, 955, 1041, 1117

Investigating committee reports—250, 861

Reports—967, 1480

Resolutions offered—700-701

Subcommittee assignments—147, 148, 149, 150, 151, 152, 153, 156, 247, 248, 307, 308, 309, 310, 389, 390, 392, 444, 446, 447, 529, 530, 531, 619, 620, 621, 715, 716, 717, 843, 932, 933, 1015, 1016, 1121

Subcommittee assignments, governor's appointments—88, 694

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Rearrangement of existing Steering Calendar—1004, 1044

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Cities—119, 262

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Education Appropriations Subcommittee—361, 545, 771

Energy—160, 449, 507, 621

Human Resources—400, 449, 491, 681

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- Natural Resources—117, 119, 130, 195, 196, 249, 261, 262, 344, 395, 406, 494, 532, 648, 681
 Regulatory and Finance—274
 Social Services Appropriations Subcommittee—494, 895, 1098
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 Transportation—118, 119, 132, 213, 262, 275, 310, 395, 396, 491, 560
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 Senate Concurrent Resolution 110, unemployment comp. fund, solutions, prevent insolvency—820, 823, 932
 Senate Concurrent Resolution 112, separate dept. of corrections—873, 932
 Senate Concurrent Resolution 116, shipment of nuclear fuel—997, 1046, 1178, 1486
 Senate Concurrent Resolution 118, reorganization of state regulatory agencies for financial insts.—1013-1014, 1020
 Senate Concurrent Resolution 119, libraries, conflict and problems—1049-1050, 1121
 Senate Concurrent Resolution 120, size of primary & secondary road systems—1096-1097, 1256
 Senate Concurrent Resolution 121, county compensation bds.—1147-1148, 1256
 Senate Concurrent Resolution 124, soil conservation laws & rules—1226, 1486
 Senate Concurrent Resolution 126, manner in which school dists. determine policy over controversial ed. issues—1297-1298
 Senate Concurrent Resolution 127, industrial revenue bonds, develop policy for utilization of—1312, 1346
 Senate Concurrent Resolution 129, budgeting procedures, hearings, audits, expenditures, etc.—1327, 1373
 Senate Concurrent Resolution 131, pipeline construction & installation—1353-1354, 1415
 Senate Concurrent Resolution 132, ag. productivity, dept. of revenue study stress days & grain price differentials—1380-1381, 1416
 Senate Concurrent Resolution 133, apportionment of tax receipts collected by co. & state treas. to respective political subdivisions—1390, 1416, 1422

Senate Concurrent Resolution 134, cable TV, unauthorized connections—1412-1413, 1448

Senate Concurrent Resolution 135, increasing utility rates—1413-1414, 1448

Senate Concurrent Resolution 136, review tax structure of state & political subdivisions, revenue sources—1414, 1416, 1427 adopted

Senate Concurrent Resolution 137, resolutions calling for studies not adopted delivered to Leg. Council, determine & authorize—1425-1426, 1448 adopted

Senate Resolution 109, gubernatorial appointment process; also bd. & comm. appointments—567-568, 593, 653, 715, 831 adopted

Senate Resolution 111, contributory & comparative negligence—691, 697, 778

SUBCOMMITTEE ASSIGNMENTS—

Assignments—83-86, 147-158, 246-249, 307-310, 388-392, 444-447, 529-531, 619-621, 715-717, 843-845, 932-933, 1015-1017, 1121, 1256, 1486-1487

Assignments for governor's appointments—88, 103, 117, 693-694, 718, 771-772, 793-794, 942

SUBCOMMITTEE REASSIGNMENTS—

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SUPREME COURT OF IOWA—

(See Chief Justice of Supreme Court, The Honorable W.W. Reynoldson)

TAYLOR, RAY—Senator Fifth District

Bills introduced—82, 101, 122, 123, 142, 222, 240, 291, 305, 354, 368, 580, 585
Amendments filed—126, 167, 180, 449, 686, 752, 774, 808, 819, 826, 876, 935, 975, 1100, 1126, 1211, 1248, 1294, 1295, 1322, 1323, 1420

Amendments offered—177, 464, 808, 819, 876, 909, 1160, 1211, 1362, 1429

Amendments withdrawn—126, 940

Committee appointments—200

Committee appointed by in Senate—1494

Investigating committee reports—911

Petitions presented—332, 945

Presided at sessions of the Senate—758, 1493

Resolutions offered—1049-1050, 1260-1261, 1297-1298

Subcommittee assignments—84, 85, 149, 151, 153, 154, 156, 157, 246, 247, 249, 388, 389, 390, 391, 392, 444, 446, 619, 620, 621, 715, 716, 844, 845, 932, 933, 1015, 1016, 1121, 1486

Subcommittee assignments, governor's appointments—117, 771, 772

Final adjournment 1982 Regular Session of the 69th General Assembly—1500

TIEDEN, DALE L.—Senator Ninth District

Bills introduced—122, 264, 281, 291, 300, 320, 342, 368, 580, 585

Amendments filed—549, 568, 600, 637, 765, 857, 981, 1047, 1100, 1182, 1294, 1322, 1323, 1324, 1359, 1370, 1403

Amendments offered—568, 708, 765, 1071, 1072, 1185, 1310, 1356
 Amendments withdrawn—568
 Committee appointments—401, 1316, 1333
 Petitions presented—402, 546, 945, 1151
 Presided at sessions of the Senate—1193
 Reports—200, 401, 1023-1024, 1150, 1458-1459, 1477, 1484
 Resolutions offered—904-905, 1012-1013, 1049-1050, 1260-1261
 Subcommittee assignments—83, 84, 85, 148, 149, 150, 151, 155, 156, 249,
 308, 309, 389, 444, 446, 529, 530, 619, 621, 716, 845, 932, 1016, 1486
 Presented Sean Charters from Johannesburg, Republic of South Africa,
 foreign exchange student—1348

TRANSPORTATION, COMMITTEE ON—

Appointees, investigation of—86, 751, 771
 Bills introduced—191, 204, 291, 354, 415, 502, 580, 585, 680, 692
 Amendments filed—367, 411, 436, 577, 685, 901
 Amendments offered—538, 660, 789, 963, 998, 1009
 Investigating committee reports—158-159, 196, 275, 880, 958
 Subcommittee assignments—147, 149, 151, 152, 156, 158, 307, 308, 388, 390,
 445, 446, 530, 621, 843, 844, 845, 932, 1017, 1486
 Subcommittee assignments, governor's appointments—103, 772

VANDE HOEF, RICHARD—Senator Second District

Bills introduced—58, 122, 142, 179, 191, 222, 258, 291, 354, 368, 580, 585
 Amendments filed—144, 167, 367, 449, 478, 515, 655, 775, 811, 857, 1100,
 1123-1124, 1294, 1323, 1419
 Amendments offered—144, 804, 1082, 1333
 Amendments withdrawn—285, 1445
 Committee appointments—200, 1390
 Reports—1440
 Received consent that Dr. Merle Lang, State Veterinarian, Dept. of Ag. be
 present in Senate Chamber during debate of SF 2206—757
 Resolutions offered—904-905, 1049-1050, 1260-1261
 Subcommittee assignments—83, 84, 147, 148, 151, 153, 155, 156, 246, 389, 446,
 447, 529, 530, 620, 845, 933, 1015, 1016, 1017, 1121, 1486

VAN GILST, BASS—Senator Forty-sixth District

Bills introduced—13, 61, 204, 291, 354
 Amendments filed—238, 282, 450, 478, 483, 698, 1100, 1123-1124, 1181, 1185,
 1248, 1288, 1294, 1348, 1377, 1378, 1402, 1453
 Amendments offered—181, 483, 1288, 1435
 Committee appointments—1316
 Reports—200, 401, 1023-1024, 1150, 1477
 Resolutions offered—904-905, 1012-1013, 1190-1191, 1260-1261
 Subcommittee assignments—83, 84, 85, 86, 148, 149, 150, 152, 153, 157, 249,
 308, 309, 388, 389, 391, 444, 446, 529, 619, 620, 716, 845, 932, 1015, 1016,
 1017, 1121, 1486
 Subcommittee assignments, governor's appointments—793
 Presented Cara Lyn Klein, Spirit Lake, Miss Teenworld—1388-1389

WALDSTEIN, ARNE—Senator Third District

- Bills introduced—13, 121, 122, 123, 190, 291, 300, 354
- Amendments filed—231, 396, 402, 562, 600, 623, 655, 686, 698, 738, 775, 809, 857, 882, 883, 901, 981, 1040, 1047, 1100, 1181, 1185, 1248, 1258, 1294, 1295, 1323, 1323-1324, 1339, 1349, 1364, 1368, 1400, 1443, 1459
- Amendments offered—231, 418, 537, 702, 738, 809, 857, 1040, 1160, 1230, 1274, 1360, 1362, 1364, 1368
- Amendments withdrawn—738
- Committee appointments—6, 200, 1316
- Presided at sessions of the Senate—1115
- Reports—1477
- Resolutions offered—1049-1050, 1226, 1260-1261
- Subcommittee assignments—83, 148, 149, 151, 152, 153, 156, 247, 248, 249, 715, 932, 1015, 1121, 1486
- Subcommittee assignments, governor's appointments—793

WAYS AND MEANS, COMMITTEE ON—

- Bills introduced—178, 204, 352, 425, 427, 587, 644, 758, 821, 852, 966, 984, 1286, 1336, 1343, 1365, 1425
- Amendments filed—381, 436, 655, 901, 920
- Amendments offered—439, 463, 727, 1188, 1195, 1201
- Resolutions offered—1380-1381, 1390, 1414
- Subcommittee assignments—147, 148, 149, 150, 152, 153, 154, 246, 247, 307, 308, 388, 389, 391, 444, 445, 619, 620, 715, 716, 843, 844, 845, 932, 933, 1017, 1121, 1256

WELLS, JAMES D.—Senator Fourteenth District

- Bills introduced—14, 142, 203, 204, 264, 291, 342, 354
- Amendments filed—238, 450, 471, 600, 981, 1212, 1285, 1323
- Amendments offered—640, 1285
- Official delegate to funeral of Representative Kenneth Miller—499
- Presided at sessions of the Senate—756
- Resolutions offered—904-905, 1012-1013, 1049-1050, 1190-1191, 1260-1261, 1412-1413
- Subcommittee assignments—83, 84, 85, 148, 150, 151, 152, 153, 156, 246, 247, 248, 249, 388, 389, 390, 444, 446, 447, 529, 530, 620, 715, 843, 844, 932, 1016, 1256, 1486
- Subcommittee assignments, governor's appointments—718, 771

YENGER, SUE—Senator Forty-fifth District

- Bills introduced—203, 239, 291
- Amendments filed—367, 449, 515, 798, 826, 883, 981, 1068, 1073, 1100, 1181, 1236, 1287, 1324, 1349
- Amendments offered—981, 1061, 1073, 1236, 1341, 1360, 1400
- Amendments withdrawn—1076
- Committee appointments—1390
- Presided at sessions of the Senate—739, 1163, 1165

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Reports—1440

Resolutions offered—904-905, 1012-1013, 1190-1191, 1260-1261

Subcommittee assignments—153, 155, 246, 308, 530, 531, 715, 716, 845, 933,
1016, 1017

Presented Arel Hulen, President & James Keasling, Director, Wapello
County Sheriff's Posse, outstanding unit of 1981—1377